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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 225

Washington, Tuesday, November 17, 1942

The President

PROCLAMATION 2571

DAYS OF PRAYER: THANKSGIVING DAY AND NEW YEAR'S DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

"It is a good thing to give thanks unto the Lord." Across the uncertain ways of space and time our hearts echo those words, for the days are with us again when, at the gathering of the harvest, we solemnly express our dependence upon Almighty God.

The final months of this year, now almost spent, find our Republic and the nations joined with it waging a battle on many fronts for the preservation of liberty.

In giving thanks for the greatest harvest in the history of our nation, we who plant and reap can well resolve that in the year to come we will do all in our power to pass that milestone; for by our labors in the fields we can share some part of the sacrifice with our brothers and sons who wear the uniform of the United States.

It is fitting that we recall now the reverent words of George Washington,

"Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection",

and that every American in his own way lift his voice to Heaven.

I recommend that all of us bear in mind this great Psalm:

"The Lord is my shepherd; I shall not want.
"He maketh me to lie down in green pastures: he leadeth me beside the still waters.
"He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.
"Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.
"Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over.
"Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever."

Inspired with faith and courage by these words, let us turn again to the work that confronts us in this time of national emergency: in the armed services and the merchant marine; in factories and offices; on farms and in the mines; on highways, railways and airways; in other places of public service to the Nation; and in our homes.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby invite the attention of the people to the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day; and I request that both Thanksgiving Day, November 26, 1942, and New Year's Day, January 1, 1943, be observed in prayer, publicly and privately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of November, in the year of our Lord nineteen hundred [SEAL] and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-11906; Filed, November 13, 1942; 3:12 p. m.]

EXECUTIVE ORDER 9270

CORRECTING EXECUTIVE ORDER NO. 9257 OF OCTOBER 15, 1942, ENLARGING NAVAL PETROLEUM RESERVE NO. 1

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that the land description contained in Executive Order No. 9257 of October 15, 1942,[1] enlarging Naval Petroleum Reserve No. 1, in California, be, and it is hereby, corrected to read as follows:

[1] 7 F. R. 8411.

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 13, 1942.

[F. R. Doc. 42-11921; filed, November 14, 1942; 11:17 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1942 CROP OF VIRGIN ISLANDS SUGARCANE (REVISED)

Whereas section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas the Secretary of Agriculture, on March 26, 1942, held a public hearing at Christiansted, St. Croix, Virgin Islands, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1942 crop of Virgin Islands sugarcane:

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination with respect to the requirements of section 301 (d) of the said act:

§ 802.53 *Fair and reasonable prices for the 1942 crop of Virgin Islands sugarcane.* Processors who, as producers, apply for payment under the Sugar Act of 1937, as amended, shall be deemed to have complied with the provisions of section 301 (d) of said act, if the requirements specified below have been met:

(a) Purchased sugarcane is paid for at the rate of not less than the f. o. b. mill value of 6 pounds of 96° raw sugar per hundredweight of such sugarcane. The average New York price of 96° raw sugar, for the week (or such other period as may be agreed upon) in which sugarcane was delivered, less all costs involved

in the marketing of such sugar (other than bags and bagging, storage in company warehouses, war risk insurance, or any item of expense incurred in the marketing of such sugar which is reimbursed in whole or in part by the federal government or any agency thereof) shall be deemed as the f. o. b. mill value of such sugar.

(b) There is paid, per hundredweight of purchased sugarcane, an amount equal to one-half of the excess, if any, of the net proceeds derived from the sale of blackstrap molasses produced from a hundredweight of sugarcane of the 1942 crop over the net proceeds from the sale of blackstrap molasses produced from a hundredweight of sugarcane from the 1941 crop.

(c) The cost of transportation of purchased sugarcane up to 3 cents per hundredweight, shall be absorbed by the processor. (Sec. 301, 50 Stat. 910; 7 U.S.C., 1131)

This determination supersedes the "Determination of Fair and Reasonable Prices for the 1942 Crop of Virgin Islands Sugarcane", issued July 21, 1942.

Done at Washington, D. C., this 13th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11934; Filed, November 14, 1942; 12:22 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

Sections 36.3, 36.5 (d), 36.5a (a) (4) and (6), 36.6 (b), 36.7a, and 36.7b are hereby amended, section 36.5 (g) and (h) is redesignated 36.5 (h) and (i) respectively, and section 36.5a (a) (7) and a new paragraph (g) in section 36.5 are added as follows:

§ 36.3 *Classification*—(a) *General.* Claims may be divided into two general classes:

(1) Those for damages to persons or property arising through the activities of the Army or War Department.

(2) Those arising under contractual relations.

(b) *Claims for personal injury.* No provision has been made for the settlement by the War Department of claims for damages for personal injury, except in the case of personal injury inflicted in the operation of aircraft, as provided in the annual appropriation acts, and, in the case of claims falling within the provisions of the act of January 2, 1942 (55 Stat. 880), providing for the settlement of claims for damages occasioned by Army forces in foreign countries. (See § 36.5 (d) and 36.5 (g).) However, all other claims for personal injury will be investigated by a board of officers and reported upon in the same manner as claims for property damage in order that information relative thereto may be on hand in the War Department for future use. (R.S. 161; 5 U.S.C. 22) [Par 2, AR 35-7020, October 14, 1942]

§ 36.5 *Laws granting authority for settlement of claims by Secretary of War.* * * *

(d) *Claims incident to operation of aircraft.* The annual appropriation act approved July 2, 1942 (Bull. 30, W.D., 1942), authorizes the payment of claims (not exceeding $500 each) for damage to private property, including claims of military and civilian personnel in and under the War Department, and for injury to persons other than military personnel resulting from the operation of aircraft. See §§ 36.12–36.14b and § 36.5 a (a) (4).

* * * * *

(g) *Claims for damages occasioned by Army forces in foreign countries.* The act of January 2, 1942 (55 Stat. 880), authorizes the Secretary of War to appoint a claims commission or commissions composed of officers of the Army to consider, adjust, and determine bona fide claims on account of damages caused by Army forces, or individual members thereof, in a foreign country or possession thereof, including places located therein which are under the temporary or permanent jurisdiction of the United States, to the property, public or private, or the persons of inhabitants of such foreign countries, where the amount of such claim does not exceed $1,000. Under this law, payment is made from such appropriation as may be determined by the Secretary of War. (See § 36.55.)

(h) *Real estate claims.* * * *

(i) *Claims incident to river and harbor works.* * * *

(R.S. 161; 5 U.S.C. 22) [Par. 4, AR 35-7020, October 14, 1942]

§ 36.5a *Application of regulations*—(a) *General.* The following general principles will govern in determining which regulations have application to any claim:

* * * * *

(4) Claims resulting from the operation of aircraft:

(i) Not exceeding $500, exclusively for damage to persons, involving negligence, will be considered under the provisions of §§ 36.12–36.13.

(ii) Not exceeding $500 for damages to private property, or to persons and private property, but not involving negligence, will be considered as within the scope of §§ 36.12–36.13.

(iii) Not exceeding $1,000 for damage to private property, involving negligence, if the negligence occurred within the scope of the employment, will be considered as within the provisions of §§ 36.14–36.14b.

(iv) Which exceed $500, but do not exceed $1,000, for damage to private property, and do not involve negligence, will be considered under the provisions of §§ 36.9–36.11 or §§ 36.21–36.23, whichever is applicable.

(v) *While engaged on special field exercises.* Not exceeding $500, for damage to private property, whether or not caused by negligence, will be considered under §§ 36.18–36.20.

* * * * *

(6) Claims not exceeding $1,000 occasioned by Army forces in foreign countries will be considered under § 36.55.

(7) Military personnel who are, at the time of the incident from which the damage arises, engaged in an official mission and who have not materially deviated therefrom on a personal mission will be deemed to be acting within the scope of their employment as contemplated by the provisions of §§ 36.14–36.14b, regardless of the degree of negligence involved, or by other regulations if applicable. Where loss of or damage to property of any person has occurred through depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent, committed by persons subject to military law not acting within the scope of the Government, except under the provisions of § 36.55, but the claim may properly be considered under the one hundred and fifth article of war and §§ 36.15–36.16. Where investigation discloses a case of simple negligence, whether within or beyond the scope of employment, the one hundred and fifth article of war does not apply. However, cases involving simple negligence within the scope of employment come within the provisions of the appropriate regulations cited in this paragraph, but, in those cases involving simple negligence not within the scope of employment, none of the statutes mentioned in this paragraph, except under the provisions of § 36.55, has any application, and the claimant is necessarily left to his ordinary civil remedies. (R.S. 161; U.S.C. 22) [Par. 5, AR 35-7020, October 14, 1942]

§ 36.6 *Action to be taken by claimant.* * * *

(b) *Form in which claim should be submitted.* The claimant will be required to submit a sworn statement over his signature and address setting forth all the facts and circumstances in connection with the damage claimed, including the nature and extent, the date incurred, the agency by which caused, if known, and the amount of the claim. Standard Form No. 28 (Claim for Damages—Accident, Motor Transporation), may be used whenever practicable. (R.S. 161; 5 U.S.C. 22) [Par. 6, AR 35-7020, October 14, 1942]

* * * * *

§ 36.7a *Claims, settlement of which is not provided for by any specific law.* Claims may arise which on account of statutory limitations, or for other reasons, do not come within the provisions of any law governing settlement and payment. All such claims will be referred to a board of officers for investigation and report in a manner similar to that prescribed in § 36.7, with such modification as the features of the particular cases may warrant. Such claims will then be forwarded to the Chief of Finance for examination, administrative action, and submission to the Secretary of War. (R.S. 161; 5 U.S.C. 22) [Par. 9, AR 35-7020, October 14, 1942]

§ 36.7b *Notification to claimant.* Upon receipt of notification by the Chief of Finance of the action taken by the Secretary of War on any claim falling

under the provisions of §§ 36.9 to 36.11, 36.14 to 36.14b, and 36.18 to 36.23, the Chief of Finance will notify the claimant of that action, transmitting one copy of notification to the commanding general of the service command under whose jurisdiction the claim arose. (R.S. 161; 5 U.S.C. 22) [Par. 10, AR 35-7020, October 14, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-11903; Filed, November 13, 1942; 12:49 p. m.]

PART 36—CLAIMS AGAINST THE UNITED STATES

Sections 36.15 and 36.16 are rescinded and the following substituted therefor:

§ 36.15 *Application of statute.* The provisions of A. W. 105 apply only when the loss or damage has been caused by depredation, wilful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent. It does not apply in cases of simple negligence, whether or not without the scope of employment of the offender, or under the conditions set forth in §§ 36.2-36.8. See Dig. Ops. JAG 1912-1930, sec. 807, and MS. Ops. JAG, Mar. 5, 1928. (R.S. 161, 5 U.S.C. 22) [Par. 2, AR 35-7080, July 16, 1942]

§ 36.16 *General procedure.* When claims of this character are submitted to the commanding officer of the post, camp, station, or other unit of the Military Establishment within which or nearest adjacent to which the loss or damage occurred, as provided in § 36.2-36.8, the commanding officer will refer it in the usual manner to a board of one to three officers who will take the action prescribed in § 36.2-36.8. (R.S. 161, 5 U.S.C. 22) [Par. 3, AR 35-7080, July 16, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-11902; Filed, November 13, 1942; 12:49 p. m.]

Chapter V—Military Reservations and National Cemeteries

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

Sections 52.1 to 52.8, inclusive, are rescinded and the following substituted therefor:

Sec.
52.1 Real estate defined.
52.2 Real estate; how acquired.
52.3 Function of Chief of Engineers.
52.4 Leases and similar instruments.
52.5 Temporary use; how granted.
52.6 Rights which may be granted by Secretary of War.
52.7 Rights which may be granted by Secretary of the Interior.
52.8 Rights which may be granted by Secretary of Agriculture.
52.9 Rights which may be granted by Federal Power Commission.
52.10 Rights which may be granted by President of the United States.
52.11 Limitations on rights which may be granted.
52.12 Rights which cannot be granted without specific statutory authority.
52.13 Forms to be used.
52.14 Payments.
52.15 Refund of rental paid.
52.16 Revocation of grants.
52.16a Real estate; claims for damages.

AUTHORITY: §§ 52.1 to 52.16a, inclusive, issued under R.S. 161; 5 U.S.C. 22.

SOURCE: The regulations in §§ 52.1 to 52.16a are also contained in AR 100-60, September 29, 1942; AR 100-61, September 15, 1942; AR 100-62, September 15, 1942; and AR 100-64, September 29, 1942; the particular paragraphs being shown in brackets at end of sections.

§ 52.1 *Real estate defined.* The term "real estate," as used in connection with the activities of the War Department, includes land; buildings; piers, docks, and wharves; office and storage space; rights of way or easements, whether temporary or permanent; and any interests which may be acquired or held therein for the us or benefit of the United States by the Army or any branch thereof. [Par. 1, AR 100-60, Sept. 29, 1942]

§ 52.2 *Real estate; how acquired*—(a) *Methods of acquiring real estate.* Real property and interests therein ma. be acquired by the War Department by:

(1) Purchase or condemnation.

(2) Donation.

(3) Lease or similar instrument. [Par. 1, AR 100-61, Sept. 15, 1942]

(b) *Authority to acquire real estate*—(1) *Congressional authority necessary.* No land shall be acquired on account of the United States except under a law authorizing such acquisition. See R.S. 3736; 41 U.S.C. 14.

(2) *Acts authorizing Secretary of War to acquire real estate.* The Secretary of War is authorized to acquire land, interest therein, or rights pertaining thereto needed for military purposes by purchase, condemnation, donation, or lease. See sec. 1, act August 1, 1888 (25 Stat. 357; 40 U.S.C. 257). Act July 2, 1917 (40 Stat. 241). Act April 11, 1918 (40 Stat. 518; 50 U.S.C. 171). Sec. 1, act February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a) act July 2, 1940 (54 Stat. 712). Second War Powers Act 1942; approved March 27, 1942 (Bull. 18, W. D., 1942). [Par. 2, AR 100-61, Sept. 15, 1942]

§ 52.3 *Function of Chief of Engineers.* (a) The Chief of Engineers, under the authority of the Secretary of War, is charged with the acquisition of all real estate and interests therein for the use of the War Department. See act December 1, 1941 (55 Stat. 787; 10 U.S.C. 181b).

(b) With the exception of the acquisition of trespass rights, and such other exceptions as may be specifically authorized from time to time, the Chief of Engineers is charged with the execution of administrative details in connection with the acquisition and disposal of real estate.

(c) The Chief of Engineers is responsible that acquisitions are accomplished in accordance with War Department directives and that expensive tracts bordering on roads or other boundaries are eliminated whenever this action will not decrease the general usefulness of the area for the purpose for which it is being acquired. Boundaries or priorities of acquisition will not be changed without authority of the Chief of Engineers.

(d) To avoid any possibility of misunderstanding by property owners, and resultant embarrassment to the War Department, under no circumstances will commitments be made, either by negotiation or by the dissemination of information to the public, by any authority other than the Chief of Engineers. [Par. 4, AR 100-61 Sept. 15, 1942]

§ 52.4 *Leases and similar instruments*—(a) *Authority of certain commanders.* Commanders of theaters of operation and defense commands outside the continental limits of the United States, and commanders of oversea departments and bases are authorized to negotiate and approve leases for real estate or facilities, required for the accomplishment of their missions, without approval by higher authority. [Par. 10, AR 100-61, Sept. 15, 1942]

(b) *Authority of local officers.* (1) The following classes of leases are authorized to be made by local commanders without approval by higher authority, when funds are available and the rental consideration conforms to the prevailing rate in the locality concerned. [Par. 11, AR 100-61, Sept. 15, 1942]

(i) Leases for hire of camp sites, buildings, and grounds for troops; office and storage space for small detachments; garage space; and space for recruiting stations; provided the premises are to be occupied not longer than 3 months, and the rental for the entire period of occupancy is $500 or less; or

(ii) Commanding generals of defense commands within the continental limits of the United States, through their rents and claims boards or other units designated by them, are authorized to negotiate leases and agreements involving rentals not in excess of $500 per annum where immediate possession or expeditious action is necessary to acquire the use of premises for the activities of their commands, and are charged with the processing of all instruments, including renewals, terminations, and payments of all rentals thereunder. Leases and renewals will conform with applicable laws, regulations, and provisions of the Real Estate Manual of the Chief of Engineers.

(2) Leases in subparagraph (1) (i) and (ii) above may be by informal written agreements, unless the rental for the period exceeds $100, in which case execution on Standard Form No. 2, (Lease Between/and the United States of America) is preferable.

(i) Informal written agreements may be worded substantially as follows:

_____
(Place)

_____
(Date)

The undersigned hereby agrees to allow the use of premises _____
(Description of premises)
by _____ at a rental of
(Designation of detachment)
$_____ per month, or proportionate part thereof for the time of occupancy.

_____
(Signature of property owner)

(ii) The following certificate should be indorsed on informal agreements: I certify

that I have this day entered into an informal agreement with _____ covering rental of _____ same being
(Name of property owner)
(Description of premises)
required and absolutely necessary for the successful operation of my detachment.

_____
(Name)

_____
(Grade and organization)
_____, 19__.

(c) *Authority of Chief of Engineers.* Except as provided in paragraphs (a) and (b) of this section, all leases and similar instruments must be approved by the Chief of Engineers or his authorized representative. [Par. 12, AR 100-61, Sept. 15, 1942.]

(d) *Preparation and execution of instruments*—(1) *Forms to be used.* Except as provided in paragraphs (a) and (b) (2) of this section, or unless otherwise authorized by the Chief of Engineers, all leases will be prepared and executed on Standard Form No. 2. (Lease Between/and the United States of America.)

(2) *Alterations, improvements, and repairs.* (i) As a rule, buildings will be selected that do not require any alterations, improvements, and repairs. Whenever the rent is more than $2,000 per annum, alterations, improvements, and repairs which will become a structural part of the premises will not exceed 25 percent of the amount of the rent for the first year of the rental term, or for the entire rental term if less than 1 year. Amounts expended by the Government for repairs, etc., to premises occupied rent free or at a nominal rent, are to be regarded as rent.

(ii) Section 322 of the act of June 30, 1932, as amended, limiting the amount which may be paid for rent of leased premises and that which may be expended for repairs, etc., "where the rental to be paid shall exceed $2,000 per annum," must be considered as applicable where premises are occupied rent free or at a nominal rental, if the amount proposed to be expended for repairs, etc., plus the nominal rental, if any, exceeds $2,000.

(iii) Amounts in excess of $2,000 proposed to be expended by the Government for repairs, etc., to premises occupied rent free or at a nominal rent, plus any nominal rent, must not exceed the 15-percent-of-the-fair-market-value rental limitation contained in section 322 of the act of June 30, 1932, as amended, which becomes applicable when the rent for leased premises exceeds $2,000 per annum.

(iv) When premises are occupied under a lease covering a fraction of a year with the privilege of renewal, the first 12 months of occupancy constitute "the first year of the rental term" within the meaning of section 322 of the act of June 30, 1932, as amended, limiting the amount which may be expended by the Government for repairs, etc., to leased premises.

(v) The requirements contained in subdivisions (i) to (iv) above, are based on the provisions of section 322, act June 30, 1932 (47 Stat. 412) as amended by sec. 15, act March 3, 1933 (47 Stat. 1517; 40 U.S.C., 278a; M. L., 1939, sec. 957a. See 21 Comp. Gen. 906. However, the provisions of said section 322 as amended, "* * * shall not apply during a war or a national emergency * * * to such leases or renewals of existing leases * * * as are certified by the Secretary of War * * *, or by such persons as he may designate, as covering premises for military, * * * or civilian purposes necessary for the prosecution of the war or vital in the national emergency." Act April 28, 1942 (Sec. I, Bull. 23, W. D., 1942).

(vi) The Chief of Engineers is designated to make certificates contemplated by the provisions of the above Act.

(3) *Not to cover portions of two fiscal years.* Except when specifically authorized in special cases, leases must not be executed to cover portions of two fiscal years, unless the rental consideration is $1.00, and receipt is acknowledged.

(4) *Option to renew.* Since the term of the lease must be limited to a fiscal year, every effort will be made to obtain an option of renewal from year to year for the longest period of time compatible with the interest of the Government. When improvements are contemplated, said period will be for at least 25 years, or for the duration of the war and 6 months thereafter. If the lease contains a renewal privilege, the term of the renewal will begin on July 1.

(5) *Option to purchase.* If obtainable, the lease will include an option to purchase, with a provision for application of rental payments to the purchase price.

(6) *Right of termination.* A right to terminate or cancel the lease or any renewal upon a stipulated number of days' notice will be inserted in the lease where it is obtainable without increased rental.

(7) *Title to buildings and improvements.* Leases will contain a provision that buildings and improvements constructed by the United States, will remain the personal property of the United States, and that the United States will have the right to remove such buildings prior to or upon termination of the lease or renewal or extension thereof. Action will be taken to insure that buildings are so removed.

(8) *Services.* If heat, light, water, or other services are necessary, they will be furnished by the lessor when not otherwise obtainable at a lower cost, and the rental agreed upon will be expressed in the lease as including the services to be furnished.

(9) *Lessor must have valid interest.* Contracting officers will satisfy themselves, before executing leases, that the prospective lessor has such an interest in the premises as will insure the validity of the lease.

(10) *Authority of lessor's agent.* In executing leases, contracting officers will exercise great care to insure that the authority for the execution thereof on behalf of the owner by agents, trustees, etc., is adequate.

(11) *Effective date.* Original leases must take effect on the date the premises are first occupied. [Par. 14, AR 100-61, Sept. 15, 1942.]

(e) *Survey of premises upon taking possession.* When possession of any premises is taken for temporary use, the officer or other agent of the War Department taking possession will cause a careful survey and detailed examination of the premises to be made jointly with the owner or his authorized representative. A report of survey, showing the detailed condition of the premises and facilities, will be prepared and signed by both parties and placed with the original lease or agreement on file in the office of the Chief of Engineers. [Par. 17, AR 100-61, Sept. 15, 1942.]

(f) *Cancelation.* (1) A lease may be canceled prior to the expiration date, if cancelation is authorized by its terms, or if the lessor consents.

(2) Notice of cancelation will be prepared in triplicate. The lessor will be requested to acknowledge receipt on all three copies of the cancelation notice. If the lessor refuses or fails to do so, the officer serving the notice will certify thereon as to the fact, date, and method of service. [Par. 20, AR 100-61, Sept. 15, 1942.]

(g) *Vacation of premises*—(1) *Vacation.* The premises will be vacated prior to date of expiration of lease or prior to the effective date of termination.

(2) *Release; form used.* Upon vacation of the premises, a release executed on forms prescribed by the Chief of Engineers will be obtained from the lessor.

(3) *Survey; when required.* If the release referred to above is not obtainable from the lessor, a report will be made after thorough survey of the property, detailing specifically all of the changes made in the premises while in the possession of the United States, including a separate estimate of the cost of restoring the property to the condition in which it existed when the United States first entered into possession as evidenced by the survey made under paragraph (e) of this section. If the lessor requires the Government to restore the premises as provided under the lease, and restoration is not possible or practicable, the lessor will be requested to execute a modified release detailing his exceptions to the condition in which the property is returned. He will also be requested to participate in, or indicate in writing his acceptance of, the survey mentioned above. The estimate of actual injuries to the premises will be made independently by the survey officer, who must possess qualifications, training, and experience which will enable him to qualify as an expert witness, in the event of litigation. [Par. 21, AR 100-61, Sept. 15, 1942.]

(h) *Sale of Government improvements to lessor*—(1) *Authority.* Government improvements which have been installed on leased premises may, incident to the settlement of a claim for the restoration of the premises under the terms of the lease, be sold to the lessor at their fair market value. Before sale to the lessor of any improvements erected prior to April 6, 1917, or subsequent to March 3, 1921, an inspection report must be made by the Chief of Engineers or his duly authorized representative.

(2) *Form of agreement.* In such case the sale must be in the form of an agreement supplementary to the original lease, executed prior to its termination.

(3) *Procedure prescribed by the Chief of Engineers.* In cases involving the sale of Government improvements as authorized above, or in those cases in which particular requirements of restoration exist, the procedure will be as prescribed by the Chief of Engineers to meet the conditions in each particular case.

Use of War Department Real Estate

§ 52.5 *Temporary use; how granted.* There are three methods by which the temporary use of real estate under the control of the War Department may be granted: lease, easement, and license or permit. [Par. 1, AR 100–61, Sept. 15, 1942]

§ 52.6 *Rights which may be granted by Secretary of War—*(a) *General.* (1) The Secretary of War is authorized with or without advertising, to provide for the operation and maintenance of certain plants, buildings, facilities, utilities, and appurtenances thereto and, when he deems it necessary in the interest of the National Defense, to lease, sell or otherwise dispose of, any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the act of June 30, 1932 (47 Stat. 412), which requires the consideration to be in money only. See secs. 1 and 5, act July 2, 1940, (54 Stat. 712; M. L., 1939, Supp. I, sec. 2216).

(2) The above provisions applied only to the fiscal year ending June 30, 1941. They were first extended to cover the fiscal year ending June 30, 1942, and later to cover the period of the present war and 6 months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. See sec. 9, act June 30, 1941 (55 Stat. 393; sec. 13, act June 5, 1942) (Bull. 27, 1942).

(3) The Secretary of War may acquire any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary for military purposes, and may dispose of such property or interest therein, by sale, lease, or otherwise, in accordance with section 1 (b) of the act of July 2, 1940 (54 Stat. 712). See Second War Powers Act, 1942 (Public Law 507, 77th Cong.).

(b) *Leases.* The Secretary of War is authorized, when in his opinion it will be for the public good, to lease for a period not exceeding five years, and revocable at any time, such property of the United States under his control, exclusive of mineral and phosphate lands, as may not for the time be required for public use. See act July 28, 1892 (27 Stat. 213), as amended, sec. 1 act May 29, 1928 (45 Stat. 988; 40 U.S.C. 303; M. L., 1939, sec. 997).

(c) *Roads.* The Secretary of War may permit the extension of State, county, or territorial roads across military reservations or the changing of the location of any such roads as may already exist. See act July 5, 1884 (23 Stat. 104; 10 U.S.C. 1348; M. L., 1939; sec. 999).

(d) *Poles and wires.* The Secretary of War may grant rights of way, for periods not exceeding 50 years, for pole lines for electric-power transmission, or telephone and telegraph purposes over lands under his jurisdiction. See act March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961; M. L., 1939, sec. 993).

(e) *Pipe lines.* The Secretary of War may grant easements for rights of way for gas, water, and sewer pipe lines, provided such grant is in the public interest and will not substantially injure the interest of the United States in the property affected thereby. See act May 17, 1926 (44 Stat. 562; 10 U.S.C. 1351; M. L., 1939, sec. 994).

(f) *Licenses.* The Secretary of War may, by revocable license terminable at his discretion as the public interest may require, grant to private interests the temporary use of real estate belonging to the United States which is under his control and which is not for the time being required for public use, provided such license conveys no interest therein and such use does not conflict with the purpose for which the property is held. (See Dig. Op. JAG, 1912, p. 950). As a matter of policy, the term of such licenses will be limited to 5 years.

(g) *Ferries, bridges, livestock.* The Secretary of War may permit the landing of ferries and erection of bridges on, and the driving of livestock across military reservations. See act July 5, 1884 (23 Stat. 104; 10 U.S.C. 1348; M.L., 1939, sec. 999).

(h) *Archaeological excavations.* The Secretary of War may grant permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon War Department lands, to institutions which are deemed properly qualified to conduct such examination, excavation, or gathering, subject to prescribed rules and regulations. Such examinations, excavations, and gatherings must be undertaken for the benefit of reputable museums, univerities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and the gatherings shall be made for permanent preservation in public museums. See act June 8, 1906 (34 Stat. 255; 16 U.S.C. 432; M.L. 1939, sec. 1041); and Uniform Rules and Regulations approved December 28, 1906 (Cir. 14, W.D. 1907).

(i) *Post offices.* The Secretary of War shall assign proper and suitable room or rooms for post office purposes at all military posts where post offices have been established. See sec. 1, act August 1, 1914 (38 Stat. 629; 10 U.S.C. 1345; M.L., 1939, sec. 954).

(j) *American National Red Cross.* The Secretary of War may grant revocable licenses permitting the erection and maintenance on military reservations by the American National Red Cross of buildings suitable for the storage of supplies available for the aid of the civilian population in case of serious national disaster, or the occupation for that purpose of buildings erected by the United States. See sec. 127a, act June 3, 1916, as amended by act June 4, 1920 (41 Stat. 785; 10 U.S.C. 1347; M.L. 1939, sec. 1000).

(k) *Young Men's Christian Association.* The Secretary of War may grant revocable licenses permitting the erection and maintenance on military reservations by the Young Men's Christian Association of such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require. See act May 31, 1902 (32 Stat. 282; 10 U.S.C. 1346; M.L. 1939, sec. 1001).

(l) *Temporary buildings.* The Secretary of War may grant, by revocable licenses of lease, permission to erect or construct temporary buildings other than public, on military reservations; in the lease or license the condition for occupancy will be clearly set forth, except with respect to unimportant structures and temporary structures incident to the work of contractors on Government jobs. (§ 52.18 (d).)

(m) *Busses and taxicabs.* The Secretary of War may grant revocable licenses to operate transportation facilities by bus and taxicab to and from posts, camps, and stations. [Par. 2, AR 100–62, Sept. 15, 1942]

§ 52.7 *Rights which may be granted by Secretary of the Interior.* (a) Subject to the approval of the Secretary of War, the Secretary of the Interior may grant rights-of-way through military reservations for:

(1) Electrical lines for telephone and telegraph purposes and for the transmission of current, other than that generated by water power, for power purposes.

(2) Canals, ditches, pipes and pipelines, flumes, tunnels, or other water conduits, for purposes other than the production of water power.

(3) Water plants, dams, and reservoirs used to promote irrigation, mining or quarrying; for the manufacturing or cutting of timber or lumber; or for the supplying of water for domestic, public, or other beneficial uses. See act February 15, 1901 (31 Stat. 790; 43 U.S.C. 959; M. L., 1939, sec. 998).

(b) Subject to like approval, rights may also be similarly granted to canal or ditch companies to take material, earth, and stone necessary for the construction of a canal or ditch, for which a right of way has been granted, from public lands adjacent to the line of such canal or ditch. See act March 3, 1891 (26 Stat. 1101), as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U.S.C. 946). [Par. 3, AR 100–62, Sept. 15, 1942]

§ 52.8 *Rights which may be granted by Secretary of Agriculture.* (a) National forests on certain military reservations were created by executive orders pursuant to the provisions of section 9 of the act approved June 7, 1924 (43 Stat. 655; 16 U.S.C. 471), which provides for administration by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary of War, for the occupation and protection of such lands and for the sale of products therefrom, subject to the unhampered use by the War Department

for purposes of national defense and without affecting or restricting the authority over such lands for such purposes now vested in the Secretary of War. See sec. 9, act June 7, 1924 (43 Stat. 655; 16 U.S.C. 471, 505; M.L. 1939, secs. 992 and 995).

(b) The use of portions of reservations may be authorized for rights of way or sources of material for constructing and maintaining Federal-aid projects, if determined reasonably necessary by the Secretary of Agriculture, and if not objected to by the Secretary of War. See act November 9, 1921 (42 Stat. 216; 23 U.S.C. 18; M.L., 1939, sec. 1013a). [Par. 4, AR 100–62, Sept. 15, 1942]

§ 52.9 *Rights which may be granted by Federal Power Commission.* The Federal Power Commission, subject to the approval of the Secretary of War, may grant licenses for waterpower projects upon, or partly upon, a military reservation, including dams, reservoirs, conduits, transmission lines, and other project works. See act June 10, 1920 (41 Stat. 1063), sec. 202, Title II, act August 26, 1935 (49 Stat. 840; 16 U.S.C. 797; M.L., 1939, sec. 1866). [Par. 5, AR 100–62, Sept. 15, 1942]

§ 52.10 *Rights which may be granted by President of the United States.* The President is authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to lease real property acquired by the United States since April 6, 1917, for storage purposes for the use of the Army which in the judgment of the President or the head of such department is no longer needed for use by the United States, and to execute and deliver in the name of the United States and in its behalf, any and all contracts or other instruments necessary to effectuate any such lease. See act July 11, 1919 (41 Stat. 129; 10 U.S.C. 1263). [Par. 6, AR 100–62, Sept. 15, 1942]

§ 52.11 *Limitations on rights which may be granted.*—(a) *Consideration.* (1) Unless otherwise provided by law, leases of buildings and properties of the United States shall be for a money consideration only, and there shall not be included in the lease, any provision for the alteration, repair, or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. See sec. 321, act June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b) But leases made under the authority contained in act July 2, 1940 (54 Stat. 712) or in Second War Powers Act, 1942 (Public Law 507, 77th Cong.), are not subject to this restriction. See § 52.6(a).

(2) The consideration provided for in leases must be adequate.

(3) The consideration payable under temporary grants other than leases may consist of either money or some direct or indirect adequate benefit to the United States.

(b) *Competitive conditions.* It is the policy of the War Department to recommend the granting of leases to the highest responsible bidder, after advertising for bids, unless competition is impracticable.

(c) *Private use.* It is the policy of the War Department not to permit the use of public quarters by organization or societies other than those of a purely military character, nor to permit private uses of military reservations or parts thereof to the exclusion of the general public, nor to grant licenses or other instruments for the establishment at military posts of activities, the revocation of which may prove embarrassing to the War Department. [Par. 7, AR 100–62, Sept. 15, 1942]

§ 52.12 *Rights which cannot be granted without specific statutory authority.* Except when specifically authorized by Congress, the Secretary of War is without authority to grant an interest in real estate of the United States for any of the following purposes:

(a) Cutting of grass or gathering of fruit, except as incident to a lease.

(b) Mining.

(c) Quarrying of rock, sand, or gravel, or sale, thereof.

(d) Cutting of timber, or sale thereof. See R.S. 1241 (10 U.S.C. 1261; M. L. 1939, sec. 2017), under which timber that has reached maturity, so that it begins to deteriorate, may be regarded as damaged and unsuitable, and may be sold in the manner prescribed therein. See Dig. Op., JAG 1912, p. 959; Dig. Op., JAG 1912–40, sec. 2017 (3).

(e) Permanent rights-of-way for railroad purposes.

(f) Sinking of oil wells, or sale of oil or other minerals.

(g) Use of surplus water from post water systems. See AR 100–80[1] and § 52.18 (f).

(h) Use of electricity from a Government-owned supply. See AR 100–80.[1]

(i) Construction by private interests of permanent structures on military reservations. See § 52.18 (d); 21 Op. Atty. Gen. 537; and 10 Comp. Gen. 395. But temporary permission in exceptional cases may be granted for structures on military reservations pending the enactment of statutory authority therefor. See 35 Op. Atty Gen. 485. [Par. 8, AR 100–62, Sept. 15, 1942]

§ 52.13 *Forms to be used.*—(a) *Applications for leases, easements, licenses, and permits.* Applications ordinarily will consist of a simple written request, and no particular form is required.

(b) *Form of instruments.* Instruments will be prepared on forms prescribed by the Chief of Engineers. [Pars. 10 and 11, AR 100–62, Sept. 15, 1942]

§ 52.14 *Payments.* The initial payment made by private interests for privileges granted by leases, licenses, easements, or permits, will be collected at the time the instrument is signed by the grantee and, in order to avoid undue delay in cashing checks and drafts, will be promptly turned over to the nearest disbursing officer or agent officer with a request that the proceeds therefrom be placed in his special deposit account pending final disposition of the instrument by the Chief of Engineers and notification from the Chief of Finance for the disposition of the collection. The Chief of Engineers will be informed by his real estate representative of the collection of the initial payment. All deferred payments on instruments which provide for a fixed rental will be made payable to the Treasurer of the United States, and forwarded by the grantee direct to the Chief of Finance, or to representatives designated by him. All deferred payments on instruments which do not provide for a fixed rental and all payments for temporary storage will be collected by the authorized representative of the Chief of Engineers and turned over to the nearest disbursing officer or agent officer. [Par. 12, AR 100–62, Sept. 15, 1942]

§ 52.15 *Refund of rental paid.* On the termination of a grant by the lessee between rent days, refund of rental paid in advance is not authorized unless provided for in the instrument. (See 8 Comp. Gen. 643). But a refund of rental may be made under a supplemental lease which is in the interest of the United States. (MS. Comp. Gen. A 40803 February 20, 1932.) Where the revocation or termination of a grant is in contemplation, collections of rental will be made only to the effective date of such revocation or termination, and temporarily placed in the special deposit account. [Par. 14, AR 100–62, Sept. 15, 1942]

§ 52.16 *Revocation of grants*—(a) *When permissible; by whom revoked.* All grants or rights for the temporary use of real estate by private interests are subject to revocation at will by the Secretary of War, except as follows:

(1) Rights-of-way granted by the Secretary of the Interior (§ 52.7 (a)) are revocable by him at his discretion.

(2) Rights-of-way granted for the purpose specified in § 52.6 (e) are not revocable, but may be terminated for nonuse or abandonment.

(3) Unless specific provision for revocation is made therein, permits of the character specified in § 52.6 (d) and § 52.6 (h) constitute easements upon and across said reservations and are not revocable.

(4) Leases of property, acquired for storage purposes since April 6, 1917, granted after determination that such property is no longer required for public use, are not revocable unless the lease so provides.

(b) *When and by whom recommended.* Any officer becoming aware of any facts or receiving any information indicating that the interest of the United States requires the revocation of an existing grant, lease, license, permit, or privilege will immediately report the facts, or transmit the information, together with his remarks and recommendations to the Chief of Engineers, through the division engineer.

(c) *Instruments of revocation; by whom prepared; how disposed of.* If revocation is determined upon, the Chief of Engineers will prepare the necessary instruments of revocation and transmit them to the commanding officer concerned, together with instructions for the necessary action. [Par. 15, AR 100–62, Sept. 15, 1942]

[1] Administrative regulations of the War Department relating to repairs and utilities.

§ 52.16a *Real estate; claims for damages*—(a) *Scope of regulations.* These regulations cover the method of handling claims for damages arising under the terms and conditions, whether express or implied, of leases for the use and occupancy of real estate by the Army, and all claims arising out of the use and occupancy of real estate by the Army, without formal lease or other contract therefor. They have no application to claims for damage caused by constructing contractors, their officers, agents, or employees, and they have no application to cases that are within the provisions of §§ 36.9–36.23, 36.55 and 37.3–37.5 or any of the following Army Regulations:

AR 35–950—Accounts of Foreign Governments and Foreign Claims by or against the War Department.

AR 35–7030—Claims for Damages to or Loss of Private Property Resulting from the Conduct of Special Field Exercises.

AR 35–7040—Claims for Damages to or Loss of Private Property Incident to the Training, Practice, Operation, or Maintenance of the Army, General.

AR 35–7050—Claims for Reimbursement for Damage to or Loss of Private Property Under the Act of August 24, 1912. (Maneuvers, target practice, etc.)

AR 35–7060—Claims for Damages to Persons and Private Property Resulting from the Operation of Aircraft.

AR 35–7070—Claims for Reimbursement for Damage to or Loss of Private Property caused by the Negligence of any Officer or Employee of the Government Acting Within the Scope of his Employment.

AR 35–7080—Claims under the One Hundred and Fifth Article of War.

AR 35–7090—Claims for Damages Occasioned by Army Forces in Foreign Countries.

AR 35–7100—Claims of Military Personnel for Private Property Lost, Damaged, or Destroyed in the Military Service.

AR 35–7220—Claims in Favor of the United States on Account of Damages to Government Property.

[Par. 1, AR 100–64, Sept. 29, 1942]

(b) *Action to be taken by claimant* (1) The claimant will be required to submit a statement, over his signature and address, setting forth all the facts and circumstances in connection with the premises and the occupancy thereof, by virtue of which the claim is said to have accrued; the nature and extent of any damages thereto; how and by whom caused, if known; and the cost of repairs of replacement.

(2) This statement will be accompanied by such evidence as is available, including a receipt for the payment of repairs of replacement, if made, or an estimate of the cost thereof. [Par. 2, AR 100–64, Sept. 29, 1942]

(c) *Claims; where referred.* All claims will be referred to the commanding officer of the post, camp, station, or other military establishment within which, or most adjacent to which, the loss or damage occurred. [Par. 3, AR 100–64, Sept. 29, 1942]

(d) *Investigating boards.* (a) The commanding officer to whom the claim is referred will convene a board of one or more officers or civilian employees of the War Department.

(2) The board will investigate the claims, and report:

(i) Circumstances under which the claim accrued, or the occupancy of the premises occurred.

(ii) Date of the beginning of such occupancy, and the date of the vacation of the premises.

(iii) Nature and extent of the damage, and the fair rental value of the premises for the purpose to which they were put.

(iv) Cause of the damage, that is, whether due to accident, or to fault on the part of any officer or agent of the United States or any other person, or were the necessary result of occupancy of the premises.

(v) Estimated cost of restoring the premises to substantially the condition in which they were before they were so occupied, or before the damage occurred, and the value of any permanent improvements made by the Government to the premises during such occupancy, and appropriate deductions therefor.

(vi) Amount of any salvage value realized, the amount of any insurance actually collected from any insurer, and the fair salvage value of any improvements installed upon the premises during such occupancy.

(3) Boards investigating such claims will not undertake negotiations for the settlement thereof, but will confine their reports to findings of the facts and to recommendations as to appropriate settlements to be made in the interest of the United States.

(4) The board will reduce to writing all pertinent evidence submitted in behalf of the claimant and of the Government, and will transmit a complete transcript thereof with its report, certified as correct by the senior member of the board.

(5) When practicable, testimony will be secured verbally by questions and answers rather than by written depositions, but additional or supplementary proof will be secured when deemed necessary.

(6) The board will require the claimant to state in writing whether he will or will not accept the award, and if not his reasons therefor. This statement will be made a part of, and forwarded with, the recommendation as to the award.

(7) The action required of the board by the preceding provisions of this paragraph must not be confused with the inspection required by § 52.4 (e), which is separate and distinct therefrom, and the result of which should be included in evidence on which the findings of the board are based. [Par. 4, AR 100–64, Sept. 29, 1942]

(e) *Action by commanding officer and higher authority.* (1) The commanding officer convening such board will recommend approval or disapproval of its proceedings, or make such other recommendation as he may deem proper, and before forwarding the proceedings will exercise the utmost care that the findings of the board are complete, that the facts and evidence are clearly stated, and that the report contains all the essential facts and evidence.

(2) All claims and proceedings of boards with reference to claims will, after action by the commanding officer, be forwarded to the division engineer, who will transmit the claims and proceedings, together with his remarks and recommendations, to the Real Estate Claims Board in the office of the Chief of Engineers for examination, recommendation, and reference to the Chief of Finance for review and administrative action. [Par. 5, AR 100–64, Sept. 29, 1942]

(f) *Conditions precedent to payment.* There are three conditions which must be fulfilled before payment from the appropriations applicable to that purpose of claims for damages arising out of the use and occupancy of real estate:

(1) The damages must have been ascertained by the War Department.

(2) The claimant must accept in full satisfaction of his claim, the amount so awarded, approved, and recommended, and execute a clear and complete release discharging the United States from any and all claims arising out of the use and occupancy of the premises.

(3) The settlement must be made by the General Accounting Office, Claims Division. [Par. 6, AR 100–64, Sept. 29, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–11904; Filed, November 13, 1942; 12:49 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 245]

PART 202—ACCOUNTS AND REPORTS

FORMS OF FINANCIAL AND STATISTICAL REPORTS OF AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of November 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective November 20, 1942 paragraph (a) of § 202.1[1] of the Economic Regulations is hereby amended to read as follows:

§ 202.1 *Forms of financial and statistical reports of air carriers.* (a) Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States and each air carrier engaged in regularly scheduled operations within the territory of Hawaii shall for all periods subsequent to October 1, 1942, make periodic financial and statistical reports to the Board using the appropriate schedules of the Report of Financial and

[1] 7 F.R. 499, 5899.

Operating Statistics of Domestic Air Carriers, CAB Form 2780,[1] and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and shall be filed with the Secretary of the Board at such times as are specified in, the instructions relating to the reporting procedure contained in section 32 of the Uniform System of Accounts for Domestic Air Carriers, effective January 1, 1942, and such amendments thereto as may have been or may hereafter be approved by the Board.

By the Civil Aeronautics Board.

DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11959; Filed, November 16, 1942; 10:31 a. m.]

[Orders, Serial No. 2029]

PART 202—ACCOUNTS, RECORDS AND REPORTS

UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of November 1942.

The Board finding that certain changes are necessary in section 32 of the Uniform System of Accounts for Domestic Air Carriers,[1] as amended by Amendment No. 2 to said Uniform System prescribed by order of the Board dated September 14, 1942; [2] and

The Board acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 407 (a) and 407 (d) thereof, and finding its action necessary to carry out the provisions of said Act, and to exercise its powers and perform its duties thereunder;

It is ordered, That section 32 of the Uniform System of Accounts for Domestic Air Carriers (CAB Form 2780 Manual), as amended, be and the same is further amended as set forth in Amendment No. 3 attached hereto.[1]

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11968; Filed, November 16, 1942; 10:31 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Agricultural Marketing Administration

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

DEPOSIT OF INVESTMENT SECURITIES, ETC.

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a), §§ 1.26 and 1.29, Title 17, Chapter I, Part 1, Code of Federal Regulations (17 CFR, Chapter I, Part 1, as amended by 7 F.R. 2721), are hereby amended to read as follows:

§ 1.26 *Deposit of investment securities, obligations, and warehouse receipts.* Each futures commission merchant who, in accordance with section 4d (2) of the act and with these rules and regulations, invests money belonging or accruing to customers in obligations or investment securities described in said section, or loans such money on the security of negotiable warehouse receipts, shall promptly:

(a) Deposit such obligations, securities, and warehouse receipts in safekeeping with a bank or trust company under an account name which will clearly show that they represent investments of, or security for loans of, customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such bank or trust company waiving any claim, lien, or right of set-off of any nature which such bank or trust company might otherwise have or obtain against such obligations, securities, and warehouse receipts, and authorizing inspection thereof at any reasonable time by representatives of the Administration; or

(b) Deposit such obligations, securities, and warehouse receipts with a clearing organization of a contract market under an account name which will clearly show that they represent investments of, or security for loans of, customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such clearing organization providing that such obligations, securities, and warehouse receipts are deposited solely to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of the commodity customers of such futures commission merchant and waiving any other claim, lien, or right of set-off of any nature which such clearing organization might otherwise have or obtain against such obligations, securities, and warehouse receipts. Such agreement shall authorize the inspection at any reasonable time by representatives of the Administration of such obligations, securities, and warehouse receipts.

An executed copy of the agreement prescribed herein shall be kept as a permanent record by the futures commission merchant. (Sec. 4d, as added by sec. 5, 49 Stat. 1494; 7 U.S.C. 6d (2))

* * * * *

§ 1.29 *Increment or interest resulting from investment or lending of customers' funds.* The investment and lending of customers' funds in accordance with the provisions of section 4d (2) of the Commodity Exchange Act and these rules and regulations and the deposit, in accordance with the provisions of § 1.26, of obligations, investment securities, and warehouse receipts, shall not operate to prevent the depositor from receiving and retaining as his own any increment or interest resulting therefrom. (Sec. 4d, as added by sec. 5, 49 Stat. 1494; 7 U.S.C. 6d (2))

Done at Washington, D. C., this 13th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11933; Filed, November 14, 1942; 12:21 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1676]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 12 for the establishment of minimum prices for the coals of certain mines in District No. 12.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 6, 1942.

[SEAL] DAN H. WHEELER,
Director.

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[1] On file with the Division of the Federal Register.

[2] 7 F.R. 7653.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups]

Code member	Mine index No.		Mine name	Mine origin group	Originating rail road	Mine origin group No.
Edwards, Matt (Matt Edwards Coal Co.).	832	(*)	No. 2	Evans	CRI&P	50
Parker, E. H. (E. H. Parker Coal Company).	536	(*)	Parker Coal	Bussey	CB&Q-Wab	31
Robinson, T. J. (Blue Valley Coal Co.).	672	(*)	Blue Valley	Harvey	CB&Q	37
White Ash Mining Co., Inc. c/o James Hupton.	835	(*)	White Ash # 2	Albia	CB&Q	30

*Indicates mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Price group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1½"	Mine run	Nut 2 x 1¼", 1¾ x ¾"	Dom. stoker 1¼" x 5/16"	Screenings 2", 1½", 1¼ x 0	Ind. stoker Cr. 2", 1½", 1¼" x 0	5/16" x 0
					1	2	3	4	5	6	7	8	9	10
Edwards, Matt (Matt Edwards Coal Co.).	832	No. 2	23	Mahaska	325	315	305	295	280	280	280	175	235	105
Hanson, C. E. (Kirkville Coal Co.).	833	Kirkville Coal Co.	10	Wapello	305	295	285	275	275	275	275	190	250	105
Howard, John W. (Howard Coal Co.).	834	Howard Mine No. 4.	16	Lucas	305	295	285	275	275	275	275	165	225	105
Stribling & Bretz (Marion Stribling).	831	Stribling & Bretz	7	Van Buren	315	305	295	285	275	275	275	185	245	105
White Ash Mining Co., Inc., c/o James Rupton.	835	White Ash #2	11-A	Monroe	305	295	285	275	275	275	275	185	245	105

[F. R. Doc. 42-11871; Filed, November 13, 1942; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

PART 1106—PRINTING AND PUBLISHING

[Amendment No. 1 to General Conservation Order M-99]

Section 1106.1 *General Conservation Order M-99*[1] is hereby amended as follows:

1. By adding the following subparagraph (8) to paragraph (a):

(8) "Putting into process" means the first change made by a person after November 15, 1942 in the form of material.

2. By adding the following paragraphs:

(e) *Restrictions on use of zinc for plates.* No person may put into process during the second half of the last calendar quarter of 1942 for the purpose of making zinc plates more than 37½% of the amount by weight of zinc put into process by him in the entire last calendar quarter of 1941 for the same purpose; no person may put into process during the first half of the first calendar quarter of 1943 for the purpose of making zinc plates more than 37½% of the amount by weight of zinc put into process by him in the entire first calendar quarter of 1941 for the same purpose; no person may put into process during the second half of the first calendar quarter of 1943 for the purpose of making zinc plates more than 25% of the amount by weight of zinc put into process by him in the entire first calendar quarter of 1941 for the same purpose; and no person may put into process during any calendar quarter subsequent to the first calendar quarter of 1943 for the purpose of making zinc plates more than 50% of the amount by weight of zinc put into process by him in the corresponding calendar quarter of 1941 for the same purpose.

(f) *Exemption from Order M-11-b.*[2] The provisions of Conservation Order M-11-b (§ 937.13) do not apply to the putting into process of zinc for the purpose of making zinc plates.

3. By relettering former paragraph (e) to be paragraph (g).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11918; Filed, November 14, 1942; 10:17 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Revocation of General Limitation Order L-7 and Supplementary Limitation Orders L-7-a and L-7-b[1]]

Sec.
993.1 General Limitation Order L-7.
993.2 Supplementary Limitation Order L-7-a.
993.2 Amendment No. 1.
993.3 Supplementary Limitation Order L-7-b.

The above orders and amendment are hereby revoked, effective November 24, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11916; Filed, November 14, 1942; 10:17 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Supplementary Limitation Order L-7-c]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials used in the production of Domestic Ice Refrigerators for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 993.4 *Supplementary Limitation Order L-7-c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box designed for home use.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Iron and steel content" means the aggregate weight of iron and steel contained in a finished domestic ice refrigerator, including but not limited to, latches, hinges, screws, nails, rivets, bolts, sheet steel, binder strips, drain tubes, drip pans and shelving.

(4) "Net ice capacity" means the maximum amount of standard scored ice in one piece which the ice chamber of a domestic ice refrigerator will hold.

[1] 7 F.R. 6146.

[2] 7 F.R. 5703, 7802.

[1] 6 F.R. 5534; 7 F.R. 114, 1792, 2462.

(b) *General restrictions.* (1) On and after November 24, 1942, no person shall produce any domestic ice refrigerator:

(i) Containing any rubber (crude, synthetic or reclaimed) or any metal other than iron and steel (except metal used in galvanizing, plating or coating steel); or

(ii) Having an iron and steel content of more than 15 pounds.

(2) On and after January 1, 1943, no person shall produce any domestic ice refrigerator:

(i) Having an iron and steel content of more than 6 pounds; or

(ii) Having a net ice capacity of other than 50 or 75 pounds, except that it may vary ten per cent from either of these amounts.

(3) On and after November 14, 1942, no person shall produce any domestic ice refrigerator except in accordance with a production quota assigned to him in a schedule issued by the Director General for Operations pursuant to this order. Such production quotas shall be assigned for a calendar quarter, except that the initial one may be for any period less than three months ending December 31, 1942, and shall expire on the last day of the quarter for which they are assigned. Any person desiring to obtain a production quota for a calendar quarter beginning on or after January 1, 1943, shall file with the War Production Board, at least 30 days before the beginning of such quarter, a written application to be assigned a production quota for such quarter. Such application should contain a statement as to the amount of iron and steel and other critical materials to be contained in each domestic ice refrigerator the applicant proposes to produce during such quarter. Whenever production quotas are assigned by the Director General for Operations, he will take into consideration the amount of iron and steel and other critical materials to be used by each applicant, the performance of the domestic ice refrigerators which each applicant proposes to produce as established by tests of the National Bureau of Standards or otherwise, and also the labor and transportation situation in the area where the plant of each applicant is located and such other factors as the Director General for Operations shall deem appropriate.

(c) *Applicability of other orders.* On and after November 24, 1942, the provisions of this order, and of any schedules issued pursuant thereto, shall supersede the provisions of Limitation Orders L–7 and L–7–b. In so far as any other order heretofore or hereafter issued by the Director General for Operations, the Director of Priorities, or the Director of Industry Operations limits the use of any material in the production of domestic ice refrigerators to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order (and any schedules issued pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Avoidance of excessive inventories.* No manufacturer of domestic ice refrigerators shall accumulate for use in the manufacture of such domestic ice refrigerators inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order and any schedules issued pursuant thereto.

(f) *Records.* All persons affected by this order or any schedule issued pursuant thereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Each person who produces or ships any domestic ice refrigerator shall file with the War Production Board, not later than 10 days after the end of each calendar month in which he produced or shipped any domestic ice refrigerator, a report on Form PD–655, showing all domestic ice refrigerators which he produced and shipped during such month. Each person, before he offers for sale any new model of domestic ice refrigerator, shall file with the War Production Board a report on Form PD–531, setting forth a bill of material for such model. Each person affected by this order, or any schedule issued pursuant thereto, shall file such other reports and answers to questionnaires as the War Production Board shall from time to time require.

(i) *Violations.* Any person who wilfully violates any provision of this order, or of any schedule issued pursuant thereto, or who, in connection with this order, or any such schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any appeal from the provisions of this order, or of any schedule issued pursuant thereto, should be made on Form PD–500, filed with the War Production Board.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant thereto, shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref. L–7–c.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11920; Filed, November 14, 1942; 10:17 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Schedule I to Supplementary Limitation Order L–7–c]

§ 993.5 *Schedule I to Supplementary Limitation Order L–7–c.*[1] Pursuant to paragraph (b) (3) of Supplementary Limitation Order L–7–c, the following production quotas for domestic ice refrigerators are hereby established for the period from November 14, 1942, to December 31, 1942, inclusive. Each person named is authorized to produce, during that period, the number of domestic ice refrigerators set forth opposite his name, plus the additional number, if any, necessary to complete the number of such refrigerators which he has been authorized to produce during such period by the Director General for Operations pursuant to an appeal from the provisions of Supplementary Limitation Order L–7–b.

Name	*Number of Domestic Ice Refrigerators*
Alaska Refrigerator Co., Brooklyn, N. Y	2,687
Brunswick Refrigerator Co., Brooklyn, N. Y	4,206
Coleman Furniture Co., Pulaski, Va	5,000
The Coolerator Co., Duluth, Minn	23,212
Fy-Boro Metal Products Co., Inc., Brooklyn, N. Y	6,092
Ice Cooling Appliance Corporation, Morrison, Ill	23,529
Iceland Refrigerator Co. Inc., Brooklyn, N Y	2,613
The Maine Manufacturing Co., Nashua, N. H	17,043
Modern Refrigerators Works, Glendale, Calif	316
Progress Refrigerator Co., Louisville, Ky	2,300
Sanitary Refrigerator Co., Fond du Lac, Wis	15,255
Success Manufacturing Co., Gloucester, Mass	1,109
Ward Refrigerator & Manufacturing Co., Los Angeles, Calif	3,938

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11919; Filed, November 14, 1942; 10:17 a. m.]

PART 1049—INCANDESCENT, FLUORESCENT AND OTHER ELECTRIC DISCHARGE LAMPS

[Interpretation 1 to Supplementary Limitation Order L–28–a]

The following interpretation is hereby issued by the Director General for Op-

[1] *Supra.*

erations with respect to § 1049.2, Supplementary Limitation Order L–28–a,[1] issued September 17, 1942:

In Schedule A of Supplementary Limitation Order L–28–a it is stated that a manufacturer may use "only one type of base" for lamps appearing on a single line of the schedule. To conform to this restriction a manufacturer may not vary the design or shape of any base, but he may vary its material content. Thus, as far as Order L–28–a is concerned, bases which are made of brass are considered to be of the same "type" as those made of plated steel, plastics or any other material, provided they are of the same design, shape and size. It should be noted, however, that the production of brass bases is controlled by the terms of General Limitation Order L–28, as Amended October 24, 1942.

Order L–28–a, in paragraph (b) (1) (iii), states that on and after November 1, 1942, no manufacturer may mark on any incandescent, fluorescent or glow discharge lamp any "trade mark or identification of any person other than himself or another manufacturer". This provision does not prohibit a manufacturer from using more than one trade mark to identify his own product. But in any case where the trade mark is used primarily to identify a purchaser (who is not himself a manufacturer) of the lamps rather than the lamp manufacturer, such trade mark may not be etched or otherwise marked on a lamp after October 31, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11917; Filed, November 14, 1942; 10:17 a. m.]

PART 1243—OFFICERS UNIFORMS

[Amendment 1 to Preference Rating Order P–131, as Amended Septmeber 22, 1942]

Section 1243.1 *Preference Rating Order P–131*[2] is hereby amended in the following respects:

1. Paragraph (b) (1) is amended to read as follows:

(1) "Officers uniform" means only the overcoat, short overcoat, raincoat, coat, blouse, trousers, slacks, skirt, cap, web belt or shirt, but only of the material and specifications prescribed by the applicable United States departmental or agency regulations (such as, U. S. Army Regulation No. 600–35 or U. S. Navy Uniform Regulations, 1941) for:

(i) U. S. Army officers (commissioned and warrant) and nurses, but not including officers of the U. S. Women's Army Auxiliary Corps (WAACS).

(ii) U. S. Navy officers (commissioned and warrant), chief petty officers and nurses, but not including officers of the U. S. Women's Reserve of the U. S. Naval Reserve (WAVES).

(iii) U. S. Marine Corps officers (commissioned and warrant).

(iv) U. S. Coast Guard officers (commissioned and warrant) and chief petty officers.

(v) U. S. Government military and naval academy and training school students.

(vi) U. S. Maritime Commission officers.

(vii) U. S. War Shipping Administration officers.

(viii) U. S. Coast and Geodetic Survey officers.

(ix) U. S. Public Health Service officers and nurses.

2. Paragraph (d) (3) is amended to read as follows:

(3) No producer, except a custom or merchant tailor producer, shall apply the rating assigned by paragraph (c) to obtain delivery of any tropical worsted cloth of a khaki or sun tan shade for the production of any officers uniform for U. S. Army officers (commissioned and warrant), but not including officers uniforms for U. S. Army nurses.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11913; Filed, November 14, 1942; 10:18 a. m.]

PART 1276—DOUGLAS FIR PLYWOOD (MOISTURE-RESISTANT TYPE)

[Amendment 1 to Limitation Order L–150 as Amended October 8, 1942]

Subparagraph (4) of paragraph (a) of § 1276.1 *Limitation Order L–150 as amended October 8, 1942*[1] is hereby amended to read as follows:

(4) Other terms shall have the meanings assigned to them in Commercial Standard CS 45–42, effective November 16, 1942, issued by the National Bureau of Standards.

This amendment shall take effect November 16, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11914; Filed, November 14, 1942; 10:18 a. m.]

PART 3080—CHEMICAL FERTILIZERS

[Amendment 2 to Conservation Order M–231]

Section 3080.1 *Conservation Order M–231*[1] is hereby amended by striking paragraph (b) (2) (iv) of said section and inserting in lieu thereof the following:

(iv) No fertilizer manufacturer, dealer or agent shall, prior to December 1, 1942, deliver any chemical fertilizer containing chemical nitrogen except for use during 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11915; Filed, November 14, 1942; 10:18 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–142]

CAMBRIDGE COFFEE COMPANY

Cambridge Coffee Company, 5137 Lake Park Avenue, Chicago, Illinois, is a roaster and wholesale distributor of coffee. During the months of June and July, 1942, the company sold and delivered approximately 13,632 pounds of coffee in excess of its allowable quota under Conservation Order M–135. These deliveries were made with full knowledge of the quota assigned the company under Conservation Order M–135, and constituted wilful violations of the order.

The violations of Conservation Order M–135, set forth above, have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.142 *Suspension Order No. S–142.* (a) During each of the calendar months this order shall be in effect, deliveries of coffee by Cambridge Coffee Company, its successors and assigns, shall not exceed 7,088 pounds, except as specifically authorized by the Director General for Operations.

(b) The restrictions contained in paragraph (a) hereof shall not apply to deliveries by Cambridge Coffee Company, its successors and assigns, to any hospital, asylum, orphanage, prison, or other similar institution which is operated by any United States federal, state, or local governmental agency, and which received coffee during 1941 under contracts awarded upon the basis of competitive bids.

(c) Nothing contained in this order shall be deemed to relieve Cambridge Coffee Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations of the Director General for Operations, except in

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[1] 7 F.R. 7342.
[2] 7 F.R. 4334, 7487.

[1] 7 F.R. 4482, 7996.

[1] 7 F.R. 7234, 7531.

so far as the same may be inconsistent with the provisions hereof.

(d) This order shall remain in effect from December 1, 1942, to September 30, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11922; Filed, November 14, 1942; 11:30 a. m.]

PART 1251—BUTYL ALCOHOL

[General Preference Order M-159, as Amended November 16, 1942]

Section 1251.1 *General Preference Order M-159* is hereby amended to read:

§ 1251.1 *General Preference Order M-159*, as amended November 16, 1942—(a) *Definitions.* (1) "Butyl alcohol" means normal, secondary and tertiary butyl alcohol and includes isobutyl alcohol.

(2) "Producer" means any person engaged in the production of butyl alcohol and includes any person who has butyl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases butyl alcohol for purposes of resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall deliver or use butyl alcohol, and no person shall accept delivery of butyl alcohol from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of butyl alcohol shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 54 gallons or less of butyl alcohol in the aggregate: *Provided,* That such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery: *Provided, however,* That no producer shall deliver an aggregate amount of butyl alcohol in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of his estimated production of butyl alcohol for such month.

(3) The use by any producer in any calendar month of 54 gallons or less of butyl alcohol in the aggregate.

(d) *Applications for delivery of butyl alcohol and reports.* (1) Each person seeking authorization to accept delivery of butyl alcohol during any calendar month, whether for his own consumption or resale (and each producer seeking authorization to use butyl alcohol during any calendar month), shall file application therefor on or before the 10th day of the month preceding the month for which authorization for delivery or use is requested, except that requests for delivery from a distributor shall be filed not later than the 7th day of the month. In each case, such application should be made on Form PD-600 in the manner prescribed therein (except that applications for acceptance of delivery or use in November or December, 1942 may be made in the applicant's discretion on Form PD-505), subject to the following special instructions

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-159, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify butyl alcohol; under WPB Order No., specify M-159; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, indicate grade in terms of the following: normal, secondary, tertiary, iso.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Dibutyl phthalate.
Butyl xanthate.
Nitrocellulose lacquer.
Ethylene glycol monobutyl ether.
Butyric Acid.
Oil additives.
Insect repellants.
Others (specify).
Protective coating (specify).
Butyl acetate.
Hydraulic brake fluid.
Resins and plastics.
Medicinal and pharmaceutical.
Butyl amines.
Photographic and reproduction products.
Resale (as butyl alcohol).

(vi) In Column 4, specify ultimate use of product. For example, if the "primary product" called for in Columns 3, 20 and 22 is "dibutyl phthalate", the "ultimate use of product" might be "smokeless powder". In the case where the primary product is a protective coating, show in Column 4 the article or material to which the coating is to be applied; for example, aircraft, shell casings. Specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer, and give government specification number, if any.

(2) Each producer or distributor seeking authorization to make delivery of butyl alcohol during any calendar month shall file application on or before the 17th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD-601 in the manner prescribed herein, subject to the following special instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and file three copies with the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-159, retaining the fourth copy for your files. A separate set of Form PD-601 shall be filed for each grade of butyl alcohol for which authorization to deliver is sought, viz. normal, secondary, tertiary, iso.

(iii) Producers and distributors who have filed application on Form PD-600, specifying themselves as their suppliers, shall list their own names as customers on Form PD-601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify butyl alcohol; under WPB Order No., specify M-159; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) List all customers alphabetically. The names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4 specify the estimated quantity. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on the last sheet which is the only one that need be certified.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Leave Column 6 blank.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions with respect to preparing and filing Forms PD-600 and PD-601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Transactions outside of the continental United States.* This order shall not apply to transactions in butyl al-

cohol originating and completed outside of the continental United States.

(g) *Restrictions on production of butyl alcohol.* Except as may be otherwise directed by the Director General for Operations, no producer shall produce butyl alcohol from molasses (as defined in General Preference Order M-54, amended) unless his equipment and facilities capable of producing butyl alcohol from corn or grain are being utilized to the fullest extent possible in the production of butyl alcohol from corn or grain.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M-159.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11956; Filed, November 16, 1942; 10:22 a. m.]

PART 1270—METHYL ETHYL KETONE

[General Preference Order M-169, as Amended November 16, 1942]

Section 1270.1 *General Preference Order M-169* is hereby amended to read:

§ 1270.1 *General Preference Order M-169*, as amended November 16, 1942—(a) *Definitions.* (1) "Methyl ethyl ketone" means methyl ethyl ketone, ethyl methyl ketone or 2-butanone of any grade and from whatever source derived.

(2) "Producer" means any person engaged in the production of methyl ethyl ketone and includes any person who has such methyl ethyl ketone produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases methyl ethyl ketone for purposes of resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall deliver or use methyl ethyl ketone, and no person shall accept delivery of methyl ethyl ketone from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of methyl ethyl ketone shall use such material for the purpose authorized and only for such purpose, except as otherwise specifically directed.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 54 gallons or less of methyl ethyl ketone in the aggregate: *Provided*, That such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery: *Provided, however*, That no producer shall deliver an aggregate amount of methyl ethyl ketone in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of his estimated production of methyl ethyl ketone for such month.

(3) The use by any producer in any calendar month of 54 gallons or less of methyl ethyl ketone in the aggregate.

(d) *Applications for delivery and use, and reports.* (1) Each person seeking authorization to accept delivery of methyl ethyl ketone during any calendar month, whether for his own consumption or resale, (and each producer seeking authorization to use methyl ethyl ketone during any calendar month) shall file application therefor on or before the 10th day of the month preceding the month for which authorization for delivery or use is requested, except that requests for delivery from a distributor shall be filed not later than the 7th day of the month. In each case, such application shall be made on Form PD-600 in the manner prescribed therein (except that applications for acceptance of delivery or use in November and December, 1942 may be made in the applicant's discretion on Form PD-523), subject to the following special instructions:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-169, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify methyl ethyl ketone; under WPB Order No. specify M-169; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) Leave blank Columns 1, 11 and 19.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Cements.
Protective coating.
Cellulose acetate sheets.
Toluol substitute.
Coated fabric.
Lubricating oils.
Paint and varnish remover.
Resale (as methyl ethyl ketone).

(vi) In Column 4, specify ultimate use of product. For example, if the "primary product" called for in Columns 3, 20 and 22 is "cements", the "ultimate use of product" might be "self sealing gas tanks". In the case where the primary product is a protective coating, show in Column 4 the article or material to which the coating is to be applied; for example, aircraft, munition finish. Specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer, and give government specification number, if any.

(2) Each producer or distributor seeking authorization to make delivery of methyl ethyl ketone during any calendar month, shall file application on or before the 17th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD-601 in the manner prescribed herein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and file three copies with the War Production Board Chemicals Branch, Washington, D. C., Ref: M–169, retaining the fourth copy for your files.

(iii) Producers and distributors who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify methyl ethyl ketone; under WPB Order No., specify M–169; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) List all customers alphabetically. The names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4 specify the estimated quantity. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on the last sheet, which is the only one that need be certified.

(vi) Leave Columns 3 and 6 blank.

(vii) Column 5 may, at your discretion, be left blank.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Transactions outside of the continental United States.* This order shall not apply to transactions in methyl ethyl ketone originating and completed outside of the continental United States.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–169.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11957; Filed, November 16, 1942; 10:22 a. m.]

PART 3046—LOW PRESSURE CAST IRON BOILERS

[Amendment 1 to Limitation Order L–187]

Section 3046.1 *Limitation Order L–187* [1] is hereby amended by striking out paragraph (b) *Restrictions*, and substituting the following in place thereof:

(b) *Restrictions.* On and after the 1st day of December 1942, no person shall manufacture any low pressure cast iron boiler built to use exclusively gas or exclusively oil as a fuel, and no person shall manufacture any other low pressure cast iron boiler except to fulfill a specific contract or subcontract for delivery:

(1) Of a military low pressure cast iron boiler upon specific authorization of the Director General for Operations after written application has been made on Form PD–704.

(2) For use in a hospital constructed, to be constructed or under construction, upon specific authorization of the Director General for Operations after written application has been made on Form PD–704;

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11958; Filed, November 16, 1942; 10:22 a. m.]

[1] 7 F.R. 9080.

PART 3141—MILITARY ARMS

[Limitation Order L–230]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of military arms and of steel scrap for defense, for private account and for export; and the following order is deemed necessary and appropriate in the war interest and to promote the national defense:

§ 3141.1 *Limitation Order L–230*—(a) *Definitions.* For the purpose of this order:

(1) "Military arms" means any cannon, machine gun, grenade, bomb, or other weapon using explosives, and any ammunition therefor, but does not include any pistol, rifle, or shotgun (except such as are machine guns as defined in paragraph (a) (2)) or ammunition therefor.

(2) "Machine gun" means any weapon which will fire more than one round without renewing pressure on the trigger or other firing device.

(3) "Non-operating" means in such condition that it cannot be used for the purpose for which it was originally made whether by reason of obsolescence, absence of necessary parts or explosive charge, accidental or intended damage or for any other reason.

(b) *Prohibited deliveries of military arms.* Notwithstanding any existing contract, payment or other action, no person shall hereafter sell, transfer or deliver, and no person shall accept delivery of, any military arms, whether operating or non-operating, or parts therefor, except as provided in paragraph (c).

(c) *Permitted deliveries.* The restrictions in paragraph (b) shall not apply to the following sales, transfers or deliveries:

(1) Sales, transfers or deliveries to or by any department or agency of the United States or of any State or political subdivision thereof or any person acting for the account of any such department or agency.

(2) Sales, transfers or deliveries for export if such export is covered by an export license previously issued by the appropriate agency or department of the United States Government.

(3) Sales, transfers or deliveries of non-operating military arms to any scrap dealer, when sold, transferred or delivered as scrap.

(4) Sales, transfers or deliveries of non-operating military arms by any scrap dealer, when sold, transferred or delivered as scrap to any person regularly engaged in the business of melting scrap.

(5) Sales, transfers or deliveries made with the specific authorization of the Director General for Operations.

(d) *Reports.* Any person making any delivery pursuant to paragraph (c) (3)

or (c) (4) hereof shall at the time of such delivery report to the War Production Board a detailed description of the property delivered and the person to whom such delivery was made.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, sales, transfers and deliveries of military arms.

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to: War Production Board, Bureau of Governmental Requirements, Washington, D. C., Ref: L–230.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Effective date.* This order shall take effect 12:01 a. m., November 16, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11970; Filed, November 16, 1942; 11:13 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Amendment 2 to Priorities Regulation 11, as Amended October 3, 1942]

PRODUCTION REQUIREMENTS PLAN

Priorities Regulation 11 [1] (§ 944.32) is hereby amended as follows:

1. Paragraph (b) (7) is hereby amended to read as follows:

"Supplies" means maintenance and repair materials and operating supplies. It also includes minor items of productive capital equipment (such as jigs and fixtures, dies and die blocks, portable pneumatic or portable electric tools, and material required for minor relocations of plant machinery and equipment). It does not include any production material or any office machinery or office equipment (whether purchased or leased) or materials for plant expansion or plant construction.

2. Paragraph (c) is hereby amended to read as follows:

(c) *Persons required to qualify under PRP.* Every Class I producer shall file a PRP application. For the first quarter of 1943, this application shall be filed not later than October 25, 1942. Any person who becomes a Class I producer shall file such application as promptly as possible after becoming a Class I producer. The Director General for Operations may specifically require other persons to file such applications from time to time, and may also exempt particular Class I producers from the requirements of this paragraph or extend or advance their time for filing PRP applications. Any other processors of materials desiring priority assistance on a quarterly basis may also, with the consent of the Director General for Operations, qualify under the Production Requirements Plan, although not required to do so by this regulation.

3. Paragraph (d) (2) is hereby amended by adding after the opening words of the first sentence reading "During the fourth quarter of 1942," the following words "but not thereafter,".

4. Paragraph (d) (5) is hereby amended to read as follows:

(5) In case preference rating assistance for a material is denied on the PRP certificate on the express ground that such assistance is unnecessary or that ratings for such material are not currently being assigned on PRP certificates, the provisions of this paragraph (d) shall not apply to such material.

5. Paragraph (e) (3) is hereby amended to read as follows:

(3) Any PRP unit which has applied ratings under the interim procedure specified in paragraph (i) of this regulation based on a particular PRP application may, until receipt of that particular PRP certificate, accept deliveries of the quantities of the materials to which it is authorized to apply ratings under the interim procedure. After receipt of such PRP certificate it may accept deliveries of listed materials and listed fabricated items in excess of the quantities authorized on such certificate only if the same were in transit to the PRP unit at the time its supplier received notice of postponement or cancellation of delivery pursuant to the provisions of paragraph (j) of this regulation and even then may not accept delivery of such materials or items unless shipment was made within ten days (including Sundays) after receipt by the PRP unit of the PRP certificate which necessitated such postponement or cancellation.

6. Paragraph (e) is further amended by adding the following subparagraphs (4) and (5) at the end thereof:

(4) A PRP unit may accept delivery of material to which it extends an AAA rating in accordance with the provisions of paragraph (d) (6) of this regulation.

(5) A PRP unit may accept delivery of listed materials or listed fabricated items in excess of the quantities authorized on its PRP certificates, to the extent that cancellation or postponement of such delivery is waived by the provisions of paragraph (j) (3) of this regulation.

7. Paragraph (i) is hereby amended to read as follows:

(i) *Interim procedure.* During the interim between filing a PRP application for a particular quarter and receipt of the PRP certificate for such quarter a person may apply or extend preference ratings for delivery during such quarter, and, in case he shall have submitted advance quarter applications, may apply or extend preference ratings for delivery during only the first advance quarter, as follows:

(1) If he has been operating under the Production Requirements plan, he may apply the same preference ratings he was authorized to apply by his PRP certificates for the preceding quarter, to orders calling for delivery of not more than 40% during the first month of the quarter and 70% during the entire quarter, of the quantities of the materials indicated as his anticipated requirements on his PD–25A and on any PD–25F application for the quarter, submitted prior to receipt by him of the first PRP certificate received by him for the quarter.

(2) If he has not been operating under the Production Requirements Plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to the beginning of the particular quarter; and, notwithstanding the termination of any preference rating order on or after the end of the preceding quarter, the same shall be deemed to continue in effect as to any such person until he receives his PRP certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the particular quarter of any material in an aggregate quantity greater than 40% during the first month of the quarter, nor greater than 70% during the entire quarter, of the amount of such material which he has indicated as his anticipated requirements on his PRP application for the quarter, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) After a person has received an advance quarter authorization, he may not

[1] 7 F.R. 7888, 8864.

thereafter apply ratings under the interim procedure to deliveries in that advance quarter of any materials included in the authorization for that quarter, until he files a complete PD–25A application for such quarter, but must use only the ratings authorized on advance quarter authorizations for such materials in that quarter. Upon the filing of a complete PD–25A application for a quarter a PRP unit may then rate purchase orders in accordance with the interim procedure even if this permits rating quantities in excess of those authorized by a previous advance quarter authorization for that quarter.

(4) A person who applies or extends any preference rating pursuant to this paragraph (i) shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his corresponding PRP certificate (on Form PD–25A or PD–25F, as the case may be) when issued to him.

8. Paragraph (j) is hereby amended to read as follows:

(j) *Rerating on receipt of PRP certificates.* (1) Each PRP unit, not later than the seventh day (including Sundays) after the receipt of any PRP certificate for a quarter, shall adjust its outstanding purchase orders so that they shall not exceed, either in quantities or in grades of preference rating, those authorized for the quarter and for any advance quarters covered by the PRP certificates in accordance with the provisions of this regulation; but this provision shall not require the adjustment of orders duly placed under paragraph (i) of this regulation for materials covered by a PD–25F application filed before receipt of a PD–25A certificate, until the return of such PD–25F certificate.

(2) This adjustment may be made by cancellation, postponement of deliveries, or by rerating. To the extent that authorized ratings are higher than those already applied to outstanding orders, rating adjustment shall be optional, and, with respect to any material, the balance of any authorized rating not used may be added to the authorized amount of any lower authorized rating.

(3) No person shall be required by the provisions of this paragraph (j), however, to cancel any order or portion thereof calling for delivery on or before November 21, 1942, or during the first twenty-one days of the first month of any subsequent quarter, of any listed material, if the producer thereof certifies in writing to such person (i) that substitution of other orders, or diversion of the material to fill other orders, (even if such other orders call for later delivery or carry a lower rating) is impossible, and (ii) that the production of such material has been completed or that cancellation would disrupt the producer's production schedules and result in substantially diminished production. Nothing herein contained, however, shall relieve a PRP unit from the obligation of cancelling or postponing delivery under other orders calling for delivery of similar material during the quarter, as to which no certification is received, to the extent necessary to bring the total receipts of such material during the quarter within the quantities authorized on its PRP certificates.

9. Paragraph (k) is hereby amended to read as follows:

(k) *Restrictions on Class I producers who have not filed PRP applications.* Any Class I producer who has not filed his PRP application by the time required by this regulation or by any specific direction of the Director General for Operations may not extend or apply any rating, other than AAA ratings, until he has mailed or personally submitted his PRP application to the War Production Board: *Provided, however,* That these restrictions do not apply to ratings specifically assigned to a Class I producer for the purpose of acquisition of items of capital equipment, or materials for authorized plant expansion or plant construction.

10. The following new paragraphs (n) and (o) are added:

(n) *Reporting of excess receipts.* Any PRP unit which receives during a quarter any listed material other than, or in excess of, quantities of such material authorized by its PRP certificates for such quarter, or by specific authorization of the Director General for Operations, shall promptly report to the Production Requirements Branch, War Production Board, Washington, D. C., the quantities and kinds of materials so received, together with a statement of the reasons why such receipt was necessary, referring to the provisions of this regulation under which such receipt is permitted, and giving the name and serial number of the PRP unit which received the material.

(o) *Exceptions or exemptions.* The Director General for Operations may grant exceptions or exemptions with respect to any or all provisions of this regulation. Any such action shall be in writing over the signature of the Director General for Operations and shall refer specifically to the fact that it is an exemption from or an exception to this regulation.

11. Paragraph (a) (1) of the metals list attached to Priorities Regulation No. 11 is hereby amended to read as follows:

Iron	Magnesium
Carbon steel	Copper
Alloy steel	Brass
Stainless steel	Bronze
Aluminum	Nickel-silver
Lead (including antimonial)	Chrome nickel
Zinc	Cadmium
Nickel	Silver
Tin	Tantalum metal
Cupro-nickel	Tungsten carbide
Monel	

12. Paragraph (a) (2) of the metals list attached to Priorities Regulation No. 11 is hereby amended by adding at the end thereof but within the parenthesis the following words "but not including insect wire screen cloth".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11971; Filed, November 16, 1942; 11:13 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 44]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (ii) is amended and a new subdivision (viii) is added to § 1340.159 (c) (3) as set forth below:

§ 1340.159 *Appendix A; maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(ii) Maximum tank wagon prices for No. 2 fuel oil:

Tank wagon area:	*Cents per gallon*
Minneapolis, Minnesota:	
1–99 gals	8.8
100 gals. and over	7.8
Washington, D. C	9.1

* * * * *

(viii) Maximum prices for No. 2 fuel oil f. o. b. refinery or terminal:

Location of refinery or terminal:

	Cents per gallon
Minneapolis-St. Paul Area	6.2

§ 1340.158a *Effective dates of amendments.* * * *

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5867, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 3116, 3166, 3482, 3552, 8586, 8701, 8741, 8829, 8938, 8948, 9130, 9134.

(rr) Amendment No. 44 (§ 1340.159 (c) (3) (ii) (viii)) to Revised Price Schedule No. 88 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9252, 7 F.R. 7871)

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–11908; Filed, November 13, 1942; 3:59 p. m.]

PART 1340—FUEL

[MPR 122,[1] Amendment 11]

SOLID FUELS

Solid fuels delivered from facilities other than producing facilities—dealers.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.258 (a), a new subparagraph (11) is added; in § 1340.261 (d), new subparagraphs (3) and (4) are added and subparagraphs (1) and (2) are amended to read as set forth below:

§ 1340.258 *Definitions.* (a) When used in this Maximum Price Regulation No. 122, the term:

* * * * *

(11) "Appropriate regional office" means the regional office of the Office of Price Administration for the area in which is located the seller's place of business from which the solid fuel is offered for sale.

* * * * *

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* * * *

(d) (1) If the seller's maximum price cannot be determined under paragraphs (a), (b) and (c) of this section, the seller's maximum price shall be the maximum price of his most closely competitive seller carrying on a business of the same character (wholesale or retail; equipped or unequipped) in the same locality. This shall be the maximum price for the sale of:

(i) The same size, kind and quality of solid fuel;

(ii) In similar quantities;

(iii) To purchasers of the same class (e. g., domestic, commercial, industrial);

(iv) By the same method of delivery (e. g., truck, rail, etc.); and

(v) Under the same terms of delivery (e. g., delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

Within ten days after a maximum price is determined under the provisions of this subparagraph, the maximum price so determined shall be reported by the seller to the appropriate regional office of the Office of Price Administration, together with the name and address of the seller's most closely competitive seller; the name, if any, by which such competitive seller identifies the solid fuel involved; the name, if any, by which the solid fuel is identified by the seller determining his maximum price under this subparagraph and a statement of the reasons why a maximum price for sales thereof cannot be determined under paragraphs (a), (b) and (c) of this section.

(2) If the seller's maximum price cannot otherwise be determined under this section, the seller's maximum price shall be a price not in excess of the sum of the per net ton cost of such solid fuel f. o. b. transportation facilities at supplier's shipping point, plus the actual cost incurred in transporting such solid fuel to the seller's yard, dock or other terminal facility and plus the margin over delivered cost obtained on the seller's similar sale of solid fuel most nearly like the sale of solid fuel for which a maximum price is computed under this subparagraph, taking into account similarity in:

(i) Size, kind and quality of solid fuel;

(ii) Quantity of solid fuel;

(iii) Class of purchasers (e. g., domestic, commercial, industrial);

(iv) Method of delivery (e. g., truck, rail, etc.);

(v) Terms of delivery (e. g., delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

Within ten days after the seller determines the maximum price for the sale of such solid fuel under the provisions of this subparagraph, he shall report to the appropriate regional office of the Office of Price Administration the maximum price so determined, together with the computations made by him in determining such maximum price and a statement of the reasons why a maximum price for such solid fuel could not otherwise be determined under this section.

(3) If the seller's maximum price for a particular size, kind and quality of solid fuel cannot be determined under this section by reason of the fact that the seller had no sale of solid fuel which can reasonably be considered similar within the meaning of paragraph (d) (2), his maximum price shall be the price established by the appropriate regional office of the Office of Price Administration. Such seller shall file an application with such regional office of the Office of Price Administration setting forth:

(i) The size, kind and quality of the solid fuel involved;

(ii) The name of the producer and the origin of such solid fuel, or in the case of bituminous coal, the price classification, size group and mine index number as set forth in the minimum price schedules established by the Bituminous Coal Division of the United States Department of the Interior;

(iii) The per net ton price f. o. b. transportation facilities at supplier's shipping point;

(iv) The transportation costs incurred in transporting such solid fuel to the seller's yard, dock, or other terminal facility;

(v) A proposed schedule of prices for sales to each class of purchaser involved, stating proposed variations in price for different quantities, methods and terms of delivery;

(vi) The margin over delivered cost on his sales of solid fuel serving the same purpose;

(vii) Such additional pertinent information as the regional office of the Office of Price Administration may require.

Each Regional Administrator is authorized to establish maximum prices under this subparagraph in line with the level of maximum prices established by this Maximum Price Regulation No. 122.

(4) For the purposes of this paragraph, the term "margin over delivered cost" means the difference between (i) the cost per net ton f. o. b. transportation facilities at supplier's shipping point, determined by the most recent purchase of such solid fuel, plus the actual cost incurred in transporting such solid fuel to the seller's yard, dock or other terminal facility and (ii) the maximum price for the sale of such solid fuel under the provisions of this section.

* * * * *

§ 1340.260a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1340.258a, 1340.261 (d) (1), (2), (3) and (4)) to Maximum Price Regulation No. 122 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–11910; Filed, November 13, 1942; 3:59 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8996, 8949, 8948.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 7]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (9) of paragraph (a) of § 1394.5001, subparagraph (3) of paragraph (a) of § 1394.5151 is amended; and a new paragraph (e) is added to § 1394.5507 and a new paragraph (g) is added to § 1394.5902; as set forth below:

Definitions

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

* * * * *

(9) "Convertible facilities" means any fuel oil burning equipment, including converted facilities, which can be converted to the use of an alternate fuel: *Provided,* That such equipment and facilities shall be deemed convertible in the absence of satisfactory proof that the materials necessary for such conversion are not on hand and that the required labor is not available and that such materials and labor can be obtained only with unreasonable difficulty or expense, or that an alternate fuel is not available.

* * * * *

Restrictions on Issuance of Rations

§ 1394.5151 *Restrictions on issuance* of rations. (a) No ration shall be issued or used:

* * * * *

(3) For the operation of convertible facilities for furnishing heat or hot water, or both, to premises other than private dwellings, except to the extent necessary to operate such facilities until the earliest date when conversion can be completed (but not later than the end of the valid period for coupons numbered "2", indicated in paragraph (b) of § 1394.5201.

Expiration and Revocation of Rations

§ 1394.5507 *Suspension and revocation of rations.* * * *

(e) The Board shall review all applications granted for the operation of oil burning equipment furnishing heat or hot water, or both, to premises other than private dwellings; it shall require the applicant to establish that such equipment is not convertible, and shall, pursuant to paragraph (d) of this section, revoke any ration issued to such applicant if he has failed to establish that such equipment is not convertible.

* * * * *

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(g) Amendment No. 7 (§§ 1394.5001 (a) (9), 1394.5151 (a) (3), and § 1394.5507 (e)) shall become effective on November 13, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law, 89, 77th Cong., and by Pub. Law 507, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Dir. No. 1–0, 7 F.R. 8418, Executive Order No. 9125, 7 F.R. 2719).

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–11909; Filed, November 13, 1942; 3:59 p. m.]

PART 1405—FERRO-ALLOYS

[MPR 138,[1] Amendment 3]

STANDARD FERROMANGANESE

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (f) is added to § 1405.10 as set forth below:

§ 1405.10 *Appendix A; maximum prices for standard ferromanganese.* * * *

(f) The maximum prices set forth above for standard ferromanganese, other than the prices for standard ferromanganese when crushed and pressed into briquettes, shall be adjusted downward in the amount of $10.00 per gross ton upon sales to the United States or any agency thereof for shipment outside the United States (1) if the standard ferromanganese sold is made from dutiable ore and the import duty thereon has not been paid at the time of shipment by the seller or is made from other ore which has been substituted for such dutiable ore in a bonded warehouse, or (2) if the seller will have a claim by substitution or otherwise for a drawback of duty by reason of the shipment of the standard ferromanganese to a destination outside the United States: *Provided,* That no adjustment downward of maximum price shall be required if the seller, having a claim to a drawback of import duty, assigns or transfers his claim to such drawback to the governmental agency making the purchase of standard ferromanganese.

§ 1405.11a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1405.10 (f)) to Maximum Price Regulation No. 138 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–11911; Filed, November 13, 1942; 3:59 p. m.]

PART 1309—COPPER

[MPR 202,[1] Amendment 1]

BRASS AND BRONZE ALLOY INGOT

A statement of the considerations involved in the issuance of this Amendment No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1309.165 paragraphs (d) and (e) are redesignated as § 1309.165 (e) and (f), the headnote to § 1309.165 (c) is amended and a new § 1309.165 (d) is added to read as set forth below:

§ 1309.165 *Appendix A: Maximum prices for brass and bronze alloy ingot.* * * *

(c) *Maximum prices for sales or deliveries in carload lots of brass or bronze alloy ingot not included in paragraph* (b). * * *

(d) *Maximum prices for sales or deliveries in carload lots of brass or bronze alloy ingot produced by special types of producers.*

(1) The maximum prices established by paragraphs (b) and (c) of this § 1309.165 shall not apply to sales or deliveries of brass and bronze alloy ingot manufactured by persons not customarily regarded as producers of brass and bronze alloy ingot if:

(i) Such person's deliveries in dollars of brass and bronze alloy ingot were less than 30% of his total deliveries in dollars of all products during the period January 1, 1942 to September 30, 1942.

(ii) Such person, during the period from January 1, 1940 to March 31, 1942, regularly charged for each grade of brass or bronze alloy ingot delivered by him a price at least 6 cents per pound in excess of the price established in paragraph (b) for the alloy having the most nearly comparable specifications.

(2) The maximum price for a sale or delivery of any brass or bronze alloy ingot exempted from paragraphs (b) and (c) by subparagraph (1) above shall be the seller's maximum offering price on March 31, 1942 for a sale or delivery of a carload lot of such brass or bronze alloy ingot, reduced by 10% of such price.

(3) On or before December 1, 1942 any person, who has sold or delivered or who proposes to sell or deliver any brass or bronze alloy ingot, the maximum price for which was determined or will be determined under subparagraph (2) hereof, shall file a report with the Copper, Aluminum & Ferro-Alloys Branch, Office of Price Administration, Washington, D. C. containing the following information:

(i) The name, address and principal business of the seller.

(ii) The seller's deliveries of brass and bronze alloy ingot during the period January 1, 1942 to September 30, 1942, in dollars.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8808, 8897.

[1] 7 F.R. 3212, 5646.

[1] 7 F.R. 6421, 7247, 8948.

(iii) The seller's total deliveries, including brass and bronze alloy ingot, during the period January 1, 1942 to September 30, 1942, in dollars.

(iv) The alloy content, including impurity limitations and physical specifications for each grade of brass or bronze alloy ingot delivered during the period January 1, 1940 to March 31, 1942.

(v) The carload price at which each such grade was first delivered after January 1, 1940 and any changes in such prices from September 1, 1939 to March 31, 1942.

(vi) The seller's maximum price for each grade of brass and bronze alloy ingot produced by him computed pursuant to subparagraph (2) hereof. * * *

§ 1309.164a *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§§ 1309.165(c), (d), (e) and (f) and 1309.164a (b)) shall be effective as of August 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11941; Filed, November 14, 1942; 12:25 p. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

[MPR 234,[1] Amendment 2]

APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of this Amendment No. 2 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The text of paragraph (a) and paragraph (b) of § 1350.53, and § 1350.59 are amended; a new paragraph (f) is added to § 1350.53; the text of § 1350.64 is designated as paragraph (a), and a new paragraph (b) is added, as set forth below:

§ 1350.53 *Maximum prices for sales of approved stirrup pumps in the continental United States.* (a) Except as otherwise provided in paragraph (f) of this § 1350.53, maximum prices for sales or deliveries of approved stirrup pumps in the continental United States are as follows: * * *

(b) The price listed under "factory price" in paragraph (a) is the maximum price for sales by the named manufacturer to all classes of purchasers (including municipalities and defense councils) other than those who customarily sell only through one or more retail establishments. For sales by the manufacturer to a person who customarily sells only through one or more retail establishments, the maximum price is the price specified in paragraph (a) as the "factory price", plus $.05. These prices are f. o. b. factory.

* * * * *

(f) The maximum prices for sales by wholesalers to retailers located in the City of New York and for sales by such retailers shall be as follows:

(1) For a sale by a person other than the manufacturer to a retailer located in the City of New York, the maximum price is $2.20, delivered.

(2) For a sale by a retailer located in the City of New York of a stirrup pump bought directly from the manufacturer, the maximum price is $3.00.

(3) For a sale by a retailer located in the City of New York of a stirrup pump bought by him from a person other than the manufacturer, the maximum price is $3.10.

§ 1350.59 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 234 may be charged, demanded, paid or offered, and no seller shall, as a condition of sale, require the purchaser to agree not to sell at lower prices than those established as maximum prices, or in any other manner establish or attempt to establish minimum prices for resales of the approved stirrup pumps.

§ 1350.64 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1350.53 (a), (b), (f), 1350.59, 1350.64) to Maximum Price Regulation No. 234 shall become effective:

(1) November 14, 1942 as to the provisions of §§ 1350.53 (a), (b), (f)(1), and 1350.59; and,

(2) November 20, 1942 as to the provisions of §§ 1350.53 (f) (2), and (f)(3).

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11935; Filed, November 14, 1942; 12:26 p. m.]

PART 1363—FEEDINGSTUFFS

[MPR 173,[1] Amendment 1]

WHEAT MILL FEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1363.105, subparagraph (6) of paragraph (a) of § 1363.111, subparagraphs (2) and (8) of paragraph (a) and paragraphs (d) and (e) of § 1363.112 are amended and new §§ 1363.115 and 1363.116 are added as set forth below:

§ 1363.105 *Documents and reports.* Every person making a sale or purchase of wheat mill feeds in the course of trade or business after July 3, 1942, shall keep for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records and documents of such sales and purchases including the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point and the quantity of wheat mill feed sold or purchased: *Provided,* That in case of sales at retail the seller or buyer, as the case may be, shall be required to keep only such records relating to sales or purchases of mill feed as he customarily kept at the effective date of this regulation.

* * * * *

§ 1363.111 *Definitions.* (a) When used in Maximum Price Regulation No. 173 the term: * * *

(6) "Wheat mill feeds" means all the products of milling wheat except the following commodities which shall remain subject to the provisions, exceptions, and other terms of the General Maximum Price Regulation.

(i) Flour from wheat.

(ii) Farina and semolina.

(iii) Wheat germ and wheat germ meal.

(iv) Wheat germ oil cake and wheat germ oil meal.

(v) Bran for human consumption.

(vi) Ground wheat.

* * * * *

§ 1363.112 *Appendix A: Maximum delivered prices for wheat mill feeds.*—(a) *Maximum delivered prices for sales by millers of wheat mill feeds, sacked and shipped in carload quantities, shall be as follows:* * * *

(2) For shipments to points in the State of Missouri located within the area bounded on the west and south by a line drawn as follows:

From Kansas City, Mo., along the line of the St. Louis-San Francisco Railway Co. to Harrisonville; from Harrisonville to East Lynne; from East Lynne to Springfield; from Springfield to Cabool; from Cabool along a straight line perpendicular to the northern border of Arkansas, but not including (i) points located on the boundary line referred to above and (ii) points located on or adjacent to the main line of the St. Louis-San Francisco Railway Co. from Springfield to, but not including, Pacific, and (iii) points on or adjacent to the branch lines of the St. Louis-San Francisco Railway Co. from Cuba to Salem and Cherry Valley; and also for shipments to points within the State of Arkansas and all states east of the Mississippi River with the exception of Louisiana, Minnesota, Wisconsin and the Northern Peninsula of Michigan, the maximum price at Kansas City, Mo., plus the charge at the lowest railroad carload proportional rate for the transportation of an identical quantity from the applicable Missouri River rate break point to the railroad siding nearest to the point designated by the buyer as his receiving point.

* * * * *

(8) *For shipments to points within the State of California.* (i) To points located on or north of a line drawn as follows:

From a point on the Pacific Coast due west of Los Gatos in a straight line to Los Gatos, and thence in a straight line to San Martin; from San Martin along the line of the Southern Pacific Lines

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7976, 7998, 8948.

[1] 7 F.R. 5024, 8948.

to San Jose and thence to Niles; from Niles in a straight line to Vernalis; from Vernalis in a straight line to Lathrop; from Lathrop along the line of the Southern Pacific Lines to Turlock; from Turlock in a straight line to Denair; thence along the main line of the Atchison, Topeka and Santa Fe Railway from Denair to Riverbank; from Riverbank along the line of the Sierra Railway Company of California to Tuolumne; and from Tuolumne in a straight line due east to the Nevada border, with the exception of Colusa and points located on or adjacent to the main line of the Northwestern Pacific Railroad Company north of Santa Rosa, the maximum price at Seattle, Washington, plus the lowest railroad transit balance from Seattle, Washington to the railroad siding nearest to the point designated by the buyer as his receiving point computed on the basis of the charge at the lowest railroad carload rate for the transportation of an identical quantity from Spokane, Washington, to the railroad siding nearest to the point designated by the buyer as his receiving point with transit privileges at Seattle, Washington.

* * * * *

(d) *Maximum delivered prices for sales at retail.* To determine the maximum prices for sales at retail of wheat mill feeds, add $4.00 per ton to the maximum price for carload shipments computed under the applicable provisions of paragraph (a) of this section. For purposes of this subparagraph in computing maximum delivered prices under the applicable provisions of paragraph (a) of this section "point designated by the buyer as his receiving point" shall mean the place of business of the retail seller. In the event that the retail seller customarily made a charge for delivery at the effective date of this regulation he may add to the maximum price computed under this paragraph his customary delivery charge.

(e) *Maximum prices for shipments unsacked or in buyer's sacks.* (i) The maximum prices which may be charged or paid for sales of wheat mill feeds shipped in carload quantities unsacked shall be the maximum price computed under the applicable provisions of paragraph (a) of this section less the customary differential applying to shipments of carload quantities unsacked at the effective date of this regulation.

(ii) The maximum prices which may be charged or paid for sales of wheat mill feeds shipped in buyer's sacks shall be the maximum price computed under the applicable provisions of paragraphs (a), (b), (c) or (d) of this section less the customary differential applying to shipments in buyer's sacks at the effective date of this regulation.

§ 1363.116 *Federal and state taxe including certain licenses or inspection fees.* Any tax upon or incident to the sale, delivery, processing or use of wheat mill feeds including license or inspection fees levied on a tonnage basis imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated as follows in determining the seller's maximum price for wheat mill feeds, and in preparing the records of such seller with respect thereto: if at the time the seller determines his maximum price, the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting the tax separately from the purchase price and the seller does state it separately, the seller may collect in addition to the maximum price, the amount of tax or feed actually paid by him or an amount equal to the amount of tax or feed paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

* * * * *

§ 1363.115 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1363.-105, 1363.111 (a) (6), 1363.112 (a) (2) and (a) (8) and (d) and (e), 1363.115 and 1363.116 to this Maximum Price Regulation No. 173 shall become effective this 20th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11936; Filed, November 14, 1942; 12:25 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 161,[1] Amendment 4]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraphs (11) (iii) and (13) of § 1381.158 (a) are amended; paragraphs (b), (c), and (e) of § 1381.160 are amended; and a new paragraph (d) is added to § 1381.159a as set forth below:

§ 1381.158 *Definitions.* (a) When used in this Maximum Price Regulation No. 161, the term: * * *

(11) "District" means any one of four districts, as follows: * * *

(iii) Columbia River district, including the counties of Wahkiakum, Cowlitz, Clark, and Skamania in the State of Washington, and Clatsop, Columbia, Washington, Multnomah, and Clackamas in the State of Oregon. * * *

(13) "Delivered" means:

(i) Boomed and rafted and prepared for towing when the logs are delivered to any towable waters; or

(ii) Dumped in the mill pond at the buyer's manufacturing plant where rafting is not required; or

(iii) Loaded on a railroad car.

* * * * *

§ 1381.160 *Appendix A: Maximum delivered prices for West Coast logs.* * * *

(b) The maximum delivered prices per 1,000 ft. log scale for West Coast Logs delivered at any other point than the waters named or the buyer's manufacturing plant shall be determined as follows:

(1) From the prices in paragraph (a) of this section, subtract the transportation costs, including booming and rafting charges, which would have been applicable to the shipment had it moved from the spar-tree to the waters of the particular district;

(2) Then add actual transportation costs from the spar-tree to the destination specified by the purchaser, including any cost of loading on cars or dumping in a mill pond. For the purpose of this subparagraph (2), delivery at the spar-tree shall be considered as a violation of this Maximum Price Regulation 161 since the seller must make delivery either to towable waters (including booming and rafting), or to the mill pond of the buyer's plant, or to a railhead (including loading on cars).

Regardless of the result of the above computation, the prices shall in no event exceed the prices set forth in paragraph (a) of this section applicable to deliveries into the waters of Puget Sound, Willapa Bay and Grays Harbor, and the Columbia River.

(c) The maximum delivered prices per 1,000 ft. log scale for West Coast logs delivered at any point in the Willamette Valley district shall be determined as follows:

(1) From the prices set forth in paragraph (a) of this section for delivery in the Columbia River district, subtract the transportation costs, including booming and rafting charges, which would have been applicable to the shipment had it moved from the spar-tree to the waters of the Columbia River district;

(2) Then add actual transportation costs from the spar-tree to the destination specified by the purchaser, including any cost of loading on cars, dumping in a mill pond, or booming and rafting in the Willamette River. For the purpose of this subparagraph (2), delivery at the spar-tree shall be considered as a violation of this Maximum Price Regulation 161 since the seller must make delivery either to towable waters (including booming and rafting), or to the mill pond of the buyer's plant, or to a railhead (including loading on cars).

Regardless of the result of the above computation, the prices for the Willamette Valley district shall in no event exceed the prices set forth in paragraph (a) of this section for delivery in the Columbia River district. Further, if such computation results in a maximum price which is $3.50 or more below the Columbia River district price, the maximum price shall be a price $3.50 below the Columbia River district price.

* * *

(e) * * *

(2) Not later than the 15th of October, 1942, and the 15th of every month thereafter in which the overtime addition is claimed, the company must file a certified statement with the Office of Price Administration, Washington, D. C., containing the following:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4426, 5360, 7008, 7839.

(i) A statement that the required hours prevailed during the preceding month;

(ii) The company's production figures, log scale, by species, for the month;

(iii) The amount of logs by species, both log scale and total value, sold during the month on which the overtime addition was claimed;

(iv) The amount of logs, log scale, by species, used in the seller's own mill.

§ 1381.159a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1381.158 (a), 1381.159a, and 1381,160 (e)) shall become effective November 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11937; Filed, November 14, 1942; 12:26 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 24, Amendment 1]

HOUSING ACCOMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE BALTIMORE DEFENSE-RENTAL AREA

Section 1388.1016[1] (d) (1) of Maximum Rent Regulation No. 24 as heretofore amended by Supplementary Amendment No. 6 is hereby amended to read as follows:

§ 1388.1016 *Restrictions on removal of tenant.* * * *

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession: *Provided, however,* That the requirements of this sentence shall not apply to housing accommodations within the City of Baltimore, Maryland, when the ground for the removal or eviction of a tenant is non-payment of rent.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

§ 1388.1024a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.1016 (d) (1)) to Maximum Rent Regulation No. 24 shall become effective November 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11942; Filed, November 14, 1942; 12:23 p. m.]

[1] 7 F.R. 5912, 8505.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 8]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In paragraph (b) of § 1394.5254, the phrase "or (4)" is inserted between "(a) (3)" and "of"; paragraph (a) of § 1394.5256 is amended and a new paragraph (c) is added thereto; paragraph (b) of § 1394.5257, paragraph (b) of § 1394.5258, § 1394.5259 and paragraph (a) of § 1394.5270 are amended; and a new paragraph (h) is added to § 1394.5902; as set forth below:

Heat and Hot Water Rations

* * * * *

§ 1394.5256 *Determination of allowable ration for heating private dwellings.* (a) Except as provided in paragraph (c) of this section, the allowable ration for heating private dwelling premises during the heating year shall be 66⅔% of the amount of fuel oil consumed (as adjusted for temperature variations from the norm, pursuant to § 1394.5257) in heating such premises during the base period, except that:

(1) If 66⅔% of such adjusted consumption exceeds the maximum of range established pursuant to § 1394.5258, the allowable ration shall be such maximum;

(2) If 66⅔% of such adjusted consumption is less than the minimum of such range, the allowable ration shall be either such minimum or 85% of such adjusted consumption, whichever is less;

(3) If the applicant fails to obtain or to furnish the required certification from any dealer or supplier, but shows good cause for such failure, and if consumption during the base period is representative of normal fuel oil requirements for heating the premises during the heating year, the allowable ration shall be midpoint of such range or 66⅔% of such consumption (as adjusted for temperature variations from the norm in accordance with paragraphs (b) and (c) of § 1394.5257) whichever is less: *Provided,* That if 66⅔% of such adjusted consumption is less than the minimum of such range, the allowable ration shall be such minimum or 85% of such adjusted consumption, whichever is less;

(4) If consumption during the base base period cannot be determined, or if such consumption is, for any reason (other than weather conditions) not representative of normal fuel oil requirements for heating the premises during the heating year, the allowable ration shall be the midpoint of such range.

* * * * *

(c) Where application is made for a ration for furnishing heat and hot water to private dwelling premises and the amount of fuel oil deducted for hot water pursuant to paragraph (b) of § 1394.5257 exceeds the total amount of fuel oil consumed during the base period, such total amount of fuel oil shall be deemed to have been consumed for heating the premises and the allowable ration for heating the premises shall be determined in accordance with the provisions of paragraph (a) and (b) of this section. In such cases no ration for domestic hot water shall be issued.

§ 1394.5257 *Same; determination of adjusted fuel oil consumption during base period.* * * *

(b) The amount of fuel oil (if any) used for hot water shall be deducted from such total. If fuel oil was used, during all or part of the base period, for supplying domestic hot water, the amount so used shall, in the absence of proof to the contrary, be deemed to have been twenty (20) gallons per month for the first person, plus five (5) gallons per month for each additional person, regularly occupying the premises while fuel oil was used for such purpose: *Provided,* That where a space heater supplied such hot water, the amount so used shall, in the absence of proof to the contrary, be deemed to have been fifteen (15) gallons per month; * * *

§ 1394.5258 *Same, determination of range.* * * *

(b) In computing the floor area of the premises for the purposes of paragraph (a) of this section, only necessary living and sleeping quarters and space used for occupational purposes shall be included: *Provided,* That in no event shall a total area in excess of 2,000 square feet for the first person, plus 600 square feet for the second person and 300 square feet for each additional person, regularly occupying the premises covered by the application, be included in determining the range: *Provided further,* That in no event shall a total area in excess of 550 square feet be included in determining the range where application is made for a ration for heating premises by a space heater unless:

(1) The applicant submits satisfactory proof that the space heater actually heats a floor area in excess of 550 square feet, or

(2) Consumption during the base period has been determined in accordance with paragraph (a) of § 1394.5254 and is representative of normal fuel oil requirements for heating the premises during the heating year.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8808, 8897.

§ 1394.5259 *Determination of ration for domestic hot water in private dwelling.* Except as provided in paragraph (c) of § 1394.5256, the allowable ration for supplying domestic hot water to private dwelling premises shall be 66⅔% of the figure obtained by adding twenty (20) gallons for the first person plus five (5) gallons for each additional person regularly occupying such premises, and multiplying the sum by the number of months during the heating year in which a ration for hot water is required: *Provided,* That the allowable ration for the operation of a space heater for such purpose shall be the figure obtained by multiplying ten (10) gallons by the number of months during the heating year in which a ration for hot water is required.

§1394.5270 *Rations for space heaters in premises other than private dwellings; special cases.* Notwithstanding the provisions of paragraph (c) of § 1394.5261:

(a) The allowable ration for heating residential premises other than a private dwelling by means of a space heater may, at the option of the applicant, be determined in accordance with subparagraph (3) or (4) of paragraph (a), whichever is applicable, and paragraphs (b) and (c), of § 1394.5256, where the certifications required by § 1394.5253 cannot, for good cause, be obtained.

* * * * *

Effective Date

§ 1394.5902 *Effective dates of amendments and corrections.* * * *

(h) Amendment No. 8 (§§ 1394.5254 (b), 1394.5256 (a) and (c), 1394.5257 (b), 1394.5258 (b), 1394.5259, and 1394.5270 (a)) shall become effective on November 14, 1942.

(Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77 Cong., 1st Sess., and by Pub. Law 507, 77th Cong., 2nd Sess.; Pub. Law 421, 77th Cong., 2nd Sess.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1–O, 7 F.R. 8418; Executive Order No. 9125, 7 F.R. 2719).

Issued this 14th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–11944; Filed, November 14, 1942; 12:23 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5B,[1] Amendment 9]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1394.2354, paragraphs (c) and (d) of § 1394.2601, § 1394.2752, and § 1394.2914 are hereby revoked; § 1394.2252, paragraph (b) of § 1394.2301, paragraph (b) of § 1394.2304, § 1394.2305, § 1394.2353, § 1394.2355, and paragraph (a) of § 1394.2601 are amended to read as follows: §§ 1394.2307 and 1394.2308 are added. Paragraph (n) is added to § 1394.2306, paragraph (c) is added to § 1394.2655, paragraph (b) is added to § 1394.2752, subparagraph (4) is added to paragraph (i) of § 1394.2851, subparagraph (1) is added to paragraph (c) of § 1394.2907, paragraph (b) is added to § 1394.2919, paragraph (i) is added to § 1394.3052.

§ 1394.2252 *Basic ration books.* (a) Class A ration books marked "basic" shall be issued as basic rations for passenger automobiles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for the transfer of gasoline to the holder thereof only during the periods as follows:

Coupons	*Valid period*
The inner four coupons of page 2, numbered A2.	Nov. 1, 1942, to Nov. 30, 1942.
Page 3, numbered A3.	Invalid.
Page 4, numbered A4.	Nov. 1, 1942, to Nov. 30, 1942.
Page 5, numbered A5.	Dec. 1, 1942, to Dec. 31, 1942.
Page 6, numbered A6.	Jan. 1, 1943, to Jan. 31, 1943.

(b) *Class D ration books.* Class D ration books marked "basic" shall be issued as basic rations for motorcycles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfer of gasoline to the holder thereof at any time during the period from August 1, 1942 to January 31, 1943.

§ 1394.2301 *Supplemental rations.* * * *

(b) The ration period for which Class B and Class C ration books shall be issued shall be from August 1, 1942 to October 31, 1942. Registration for renewals and issuance of renewals thereof shall be during the week beginning November 2, 1942. Renewals thereof shall be valid for twelve (12) weeks, commencing on November 8, 1942 and ending on January 30, 1943, as follows:

B RATION BOOKS

Coupons	*Valid Period*
B1	Nov. 8, 1942–Nov. 14, 1942
B2	Nov. 15, 1942–Nov. 21, 1942
B3	Nov. 22, 1942–Nov. 28, 1942
B4	Nov. 29, 1942–Dec. 5, 1942
B5	Dec. 6, 1942–Dec. 12, 1942
B6	Dec. 13, 1942–Dec. 19, 1942
B7	Dec. 20, 1942–Dec. 26, 1942
B8	Dec. 27, 1942–Jan. 2, 1943
B9	Jan. 3, 1943–Jan. 9, 1943
B10	Jan. 10, 1943–Jan. 16, 1943
B11	Jan. 17, 1943–Jan. 23, 1943
B12	Jan. 24, 1943–Jan. 30, 1943

C RATION BOOKS

Coupons	*Valid Period*
C1	Nov. 8, 1942–Nov. 14, 1942
C2	Nov. 15, 1942–Nov. 21, 1942
C3	Nov. 22, 1942–Nov 28, 1942
C4	Nov. 29, 1942–Dec. 5, 1942
C5	Dec. 6, 1942–Dec. 12, 1942
C6	Dec. 13, 1942–Dec. 19, 1942
C7	Dec. 20, 1942–Dec. 26, 1942
C8	Dec. 27, 1942–Jan. 2, 1943
C9	Jan. 3, 1943–Jan. 9, 1943
C10	Jan. 10, 1943–Jan. 16, 1943
C11	Jan. 17, 1943–Jan. 23, 1943
C12	Jan. 24, 1943–Jan. 30, 1943

§ 1394.2304 *Allowance of mileage.* * * *

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for any of the purposes listed in § 1394.2303 (b) for which the applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. In the absence of a ride-sharing arrangement the Board shall allow only that portion of the claimed mileage with respect to which the applicant has established the inadequacy of alternative means of transportation in accordance with paragraph (a) (2) (ii) of this section. The Board shall then allow the applicant an average occupational mileage per month required by the applicant, as set forth in § 1394.2305.

§ 1394.2305 *Issuance of supplemental rations (B ration books).* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board, in accordance with § 1394.2304 and with this section, for the unexpired pro rata weekly portions of the ration period for which the B ration book shall be valid.

(b) The Boards shall issue not more than one (1) B ration book to a person entitled to supplementary rations for use in a passenger automobile as follows:

(1) Each person shall state his weekly requirements of gasoline, computed on the basis of one (1) gallon of gasoline to twelve (12) miles of driving.

(2) The maximum number of coupons, computed on a weekly basis, which any person entitled to supplementary rations shall receive shall be not more than one (1) B ration book page, containing eight (8) coupons, of a value of one-half (½) gallon each.

(3) Each Board, in computing the requirements of an applicant for supplementary rations, shall use the value of one-half (½) gallon for each B coupon, regardless of the value which such B coupon may have for acquisition of gasoline at any time.

(4) The Boards shall remove a sufficient number of coupons from each page of each ration book issued hereunder, so that the person entitled thereto shall receive no more gasoline than allowed by the Board, as computed in accordance with the provisions of this section.

§ 1394.2306 *Preferred mileage.* * * *

(n) By any person whose activities are certified by the director of the Office of Price Administration for Puerto Rico to be essential to the prosecution of the war.

§ 1394.2307 *Issuance of preferred rations (C ration books).* (a) Preferred rations shall be issued to provide the total mileage allowed by the Board, in accordance with § 1394.2306, for the unexpired pro rata weekly portions of the ration period for which the C ration book shall be valid.

(b) The Board shall issue not more than one (1) C ration book to a person entitled to preferred mileage for use in passenger automobiles, as follows:

(1) Each person shall state his weekly requirements of gasoline, computed on the basis on one (1) gallon of gasoline to twelve (12) miles of driving.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5607, 6389, 6390, 7400, 6871, 7908, 8385, 8335, 9134.

(2) The maximum number of coupons, computed on a weekly basis, which any person entitled to preferred mileage shall receive shall be not more than one (1) C ration book page, containing eight (8) coupons, of a value of one and one-half (1½) gallons each.

(3) Each Board, in computing the requirements of an applicant for preferred mileage, shall use the value of one and one-half (1½) gallons for each C coupon, regardless of the value which such C coupon may have for acquisition of gasoline at any time.

(4) The Boards shall remove a sufficient number of coupons from each page of each ration book issued hereunder, so that the person entitled thereto shall receive no more gasoline than allowed by the Board, as computed in accordance with the provisions of this section.

§ 1394.2308 *Motorcycles (D ration books) issuance of supplementary and preferred mileage.* (a) A person entitled to the operation of a motorcycle shall receive sufficient D ration coupons:

(1) For occupational mileage, as defined in § 1394.2305, not to exceed 280 miles per month.

(2) For preferred mileage, as defined in § 1394.2306, not to exceed 280 miles per month.

(3) For the purpose of determining the gallonage necessary for such mileage, the Board shall conclusively presume that a motorcycle obtains thirty-five (35) miles per gallon.

§ 1394.2353 *Application for fleet rations.* (a) Application for fleet rations shall be made to a Board on or after July 22, 1942, on Form OPA PRR–4. An application may cover one or more vehicles and may be made by an agent. An applicant shall establish the average monthly mileage required for the use of each vehicle covered in the application in carrying on an occupation or occupations, or the average monthly mileage required for the use of each of a group of such vehicles used interchangeably for carrying on the same or a related occupation or occupations, for the periods for which the applicable ration books are issued.

§ 1394.2355 *Issuance of fleet rations.* Class B, C, and D ration books marked "FLEET" shall not be issued as fleet rations to provide the total mileage allowed by the Board in the same manner as such books are issued pursuant to § 1394.2305 for supplemental mileage, and § 1394.2307 for preferred mileage, and in the case of motorcycles, pursuant to § 1394.2308.

§ 1394.2601 *Value of coupons.* (a) Each gasoline coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

Class	Gallons
A	½
B	½
C	1½
D	½
E	1½
R	5
S1	1
S2	1
Gallon Bulk	⅓
100 Gallon Bulk	33⅓

* * * * *

§ 1394.2655 *Restrictions on consumption of gasoline.* * * *

(c) After November 1, 1942, no new issue or renewal of any type of ration book, basic or otherwise, shall be issued to any person unless such person shall have consumed, or shall have otherwise disposed of, all gasoline in his possession prior to August 1, 1942. The Boards may require any person to explain under oath the disposition of such gasoline prior to the issuance of any ration book.

§ 1394.2752 *Presentation of license certificate.* * * *

(b) No gasoline ration shall be issued pursuant to the provisions of paragraph (a) of this section unless the license certificate to be exhibited shall be current and valid at the time of the issuance of such ration.

§ 1394.2851 *Restriction on transfers to consumers.* * * *

(i) * * *

(4) Nothing contained in this paragraph shall prevent the transfer of gasoline to holders of A ration books on or after November 1, 1942, or to the holders of B or C ration books on or after November 8, 1942.

§ 1394.2907 *Restrictions on transfers.* * * *

(c) * * *

(1) Nothing contained in this paragraph shall prevent the transfer of gasoline to holders of A ration books on or after November 1, 1942, or to the holders of B or C ration books on or after November 8, 1942.

§ 1394.2919 *Explanation by oil companies.* * * *

(b) *Explanations by dealers.* The director of the Office of Price Administration for Puerto Rico may at any time request any dealer to explain the discrepancy existing between the total of his inventory of gasoline on hand plus the number of evidences received by him in connection with the sale of gasoline and the total amount of gasoline plus the number of evidences which he should have on hand. Any failure or refusal to explain such discrepancies shall constitute prima facie evidence that such dealer has transferred gasoline without accepting evidences therefor.

§ 1394.3052 *Effective dates of amendments.* * * *

(i) Amendment No. 9 to Ration Order 5B (§§ 1394.2252, 1394.2301 (b), 1394.2304 (b), 1394.2305, 1394.2306 (n), 1394.2307, 1394.2308, 1394.2353, 1394.2355, 1394.2601 (a), 1394.2655 (c), 1394.2752 (b), 1394.2851 (i) (4), 1394.2907 (c) (1), 1394.2919 (b), 1394.3052 (i)) shall become effective at 6:00 P. M., October 31, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; WPB Directive No. 1, Supp. Dir. No. 1J, 7 F.R. 562)

Issued this 14th day of November 1942.

NELSON H. EDDY,
Acting Director, Office of Price Administration for Puerto Rico.

[F. R. Doc. 42–11943; Filed, November 14, 1942; 12:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 101 Under § 1499.3 (b) of GMPR, Amendment 1]

AMERICAN METAL CO.

An opinion in support of this Amendment No. 1 to Order No. 101[1] under § 1499.3 (b) of the General Maximum Price Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register. In § 1499.965, paragraph (a) is amended and in paragraph (b), subparagraphs (3) and (4) are combined and amended to read as a new subparagraph (3) and subparagraph (5) is renumbered and amended to read as a new subparagraph (4), and a new paragraph (e) is added, all to read as set forth below:

§ 1499.965 *Maximum prices at which The American Metal Company, Limited, may sell and deliver gilding metal to brass mills.* (a) The maximum prices at which The American Metal Company, Limited, may sell and deliver gilding metal to any brass mill shall be:

Shapes	*Maximum price f.o.b. Carteret, N. J.*
Cakes, billets and slabs	Cost of metals plus $22 per net ton.
Gates and ends	Cost of metals

(b) * * *

(3) "Cakes, billets and slabs" shall mean gilding metal castings in shapes suitable for brass mill use.

(4) "Gates and ends" shall mean the by-products resulting from casting gilding metal into cakes, billets or slabs.

* * * * *

(e) This Amendment No. 1 (§ 1499.965 (a), (b) and (e)) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11946; Filed November 14, 1942; 12:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 139 Under § 1499.3 (b) of GMPR]

NASHUA MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1155 *Maximum prices for the sale of certain blankets by Nashua Manufacturing Company.* (a) Nashua Manufacturing Company, Nashua, New Hampshire, may sell and deliver, and any person may buy and receive the blankets described below at prices no higher than those set forth below:

Style No.	Fibre content	Maximum price
Group 12, 72" x 54".	88% rayon 12% wool.	$2.115 each.

[1] 7 F.R. 8504.

(b) The maximum prices set forth in paragraph (a) shall be subject to the same terms of sale as were offered during March, 1942 to each class of purchaser.

(c) This Order No. 139 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 139 (§ 1499.1155) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14 day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11947; Filed, November 14, 1942; 12:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 96 Under § 1499.18 (b) of GMPR]

NEWMAN CO.

Order No. 96 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2504.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.896 *Adjustment of maximum prices for the sale of gauze diapers by The Newman Company.* (a) The Newman Company, 43–51 West 36th Street, New York, New York, may sell and deliver, and any person may buy and receive from The Newman Company, gauze diapers, in boxes, at prices no higher than those set forth below:

Size	*Price per dozen*
20" x 40"	$1.35

(b) The maximum price set forth in paragraph (a) shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) The Newman Company shall cause the following notice to be sent, in writing, to all retailers who purchase gauze diapers from it:

The Office of Price Administration has permitted us to raise our maximum price for 20"x40" gauze diapers from $1.25 per dozen to $1.35 per dozen. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any seller to raise maximum prices for sales of 20"x40" gauze diapers.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 96 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 96 (§ 1499.896) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by §1499.2.

(g) This Order No. 96 (§1499.896) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11938; Filed, November 14, 1942; 12:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 97 Under § 1499.18 (b) of GMPR]

BROOKLYN COOPERAGE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.897 *Adjustment of maximum prices for sales of syrup and molasses gumwood barrels produced and sold by the Brooklyn Cooperage Company.* (a) The Brooklyn Cooperage Company, 120 Wall Street, New York, New York, may sell and deliver, and any person may buy and receive delivery from the Brooklyn Cooperage Company, the syrup and molasses gumwood barrels herein specified, manufactured at the Chalmette, Louisiana plant of the Brooklyn Cooperage Company, at prices no higher than the following prices per barrel, f. o. b. Chalmette, Louisiana.

(1) 55/57 gallon gumwood barrel, 6 hoops, unlined, manufactured for syrup, molasses and other products	$3.27
(2) 57/59 gallon gumwood barrel, 6 hoops, silicate lined, manufactured for syrup, molasses and other products	3.34
(3) 54 gallon gumwood barrel, 6 hoops, silicate lined, vent plug in head, manufactured for syrup, molasses and other products	3.34

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 97 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 97 (§ 1499.897) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 97 (§ 1499.897) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11939; Filed, November 14, 1942; 12:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 98 Under § 1499.18 (b) of GMPR]

DANTE CANDY CO., INC.

Order No. 98 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2001.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

§ 1499.898 *Adjustment of maximum prices for bar candy sold by Dante Candy Company, Inc.* (a) The Dante Candy Company, Inc. of Chicago, Illinois, is hereby authorized to sell and deliver the following commodities at prices not higher than those set forth below:

(1) Boxes of the following, 100 count bars to the box: Doctors Orders, Challenger, Plum Good, and Vita Date Bars, at $2.20 per box, f. o. b. Chicago.

(2) Boxes of the following, 24 count bars to the box: Doctors Orders, Challenger, Plum Good, and Vita Date Bars, at 68¢ per box, full freight allowed to destination.

(b) The adjustment granted to the Dante Candy Company, Inc. is subject to the condition that purchasers from Dante Candy Company, Inc. shall in no event charge more for the candy bars at retail than their maximum prices as determined under paragraph (a) of § 1499.2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of § 1499.18 of said regulation.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942: *Provided, however,* That sellers may change discounts, allowances, and price differentials if such change results in a lower price.

(d) Dante Candy Company, Inc., shall mail or cause to be mailed to all persons who purchase candy bars from it for resale, notices reading as follows:

(1) To all purchasers of the 100 count candy bars:

The Office of Price Administration permitted us to raise our maximum prices for sales to you of Doctors Orders, Challenger, Plum Good, and Vita Date Bars, from $2.10 per case containing 100 count, to $2.20 per case containing 100 count. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of Doctors Orders, Challenger, Plum Good, and Vita Date Bars. In order that we may continue to provide you with Doctors Orders, Challenger, Plum Good, and Vita Date Bars, it will be necessary for you to accept this reduction in your margin.

(2) To all purchasers of the 24 count candy bars:

The Office of Price Administration permitted us to raise our maximum prices for sales to you of Doctors Orders, Challenger, Plum Good, and Vita Date Bars, from 66¢ per box containing 24 count, to 68¢ per box containing 24 count. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of Doctors Orders, Challenger, Plum Good, and Vita Date Bars. In order that we may continue to provide you with Doctors Orders, Challenger, Plum Good, and Vita Date Bars, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the petition not granted herein are denied.

(f) This Order may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 98 (§ 1499.898) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 98 (§ 1499.898) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11945; Filed, November 14, 1942; 12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 99 Under § 1499.18 (b) of GMPR]

D. MAURER & SON COMPANY

Order No. 99 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-183.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.899 *Adjustment of maximum prices for sales of Pompeian Olive Oil, Williams Shaving powder, Williams Holder Top Shaving Stick and Binky Bottle Caps sold by D. Maurer & Son Company, of Philadelphia, Pennsylvania.* (a) D. Maurer & Son Company, of Philadelphia, Pennsylvania, may sell and deliver and any person may buy and receive from that concern the following items at prices not in excess of those set forth below:

Pompeian Olive Oil (3 oz. glass urn) at $2.21 per dozen.
Williams Holder Top Shaving Stick at $3.37 per dozen.
Williams Shaving Powder at $2.99 per dozen.
Binky Bottle Caps at $10.56 per gross.

(b) All discounts, trade and freight practices upon the sale by D. Maurer & Son Company, on the products referred to in paragraph (a) above in March, 1942, shall apply to the maximum prices set forth in paragraph (a).

(c) D. Maurer & Son Company, of Philadelphia, Pennsylvania, shall until November 30, 1942, send to each retailer purchasing the commodities specified in paragraph (a) above a copy of the following notice:

The Office of Price Administration has permitted us to raise our maximum prices for the sale to you of the following commodities in the following amounts:

Pompeian Olive Oil (3 oz. glass urn) from $1.99 per dozen to $2.21 per dozen.
Williams Holder Top Shaving Stick from $2.66 per dozen to $3.37 per dozen.
Williams Shaving Powder from $2.60 per dozen to $2.99 per dozen.
Binky Bottle Caps from $9.00 per gross to $10.56 per gross.

You or any other sellers are not permitted by such order to raise your maximum prices for the sale of such commodities. If, however, you feel that you are suffering substantial hardship and your maximum prices established for your most competitive sellers of such products, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of § 1499.18 (a) of the General Maximum Price Regulation, prior to November 30, 1942.

(d) This Order No. 99 may be revoked or amended by the Price Administrator at any time.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 99 (§ 1499.899) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by Section 1499.2.

(g) This Order No. 99 (§ 1499.899) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11940; Filed, November 14, 1942; 12:28 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5A,[1] Amendment 16]

GASOLINE RATIONING REGULATIONS

Paragraph (c) of § 1394.1503 is renumbered to be subparagraph (1) of paragraph (c) of § 1394.1503; § 1394.1606 is renumbered to be paragraph (a) of § 1394.1616; § 1394.1607 is renumbered to be paragraph (a) of § 1394.1607; a new § 1394.1110, a new paragraph (d) and a new paragraph (e) to § 1394.1304, a new subparagraph (4) to paragraph (a) of § 1394.1503, a new subparagraph (3) to paragraph (b) of § 1394.1503, a new subparagraph (2) to paragraph (c) of § 1394.1503; a new paragraph (b) to § 1394.1606, and a new paragraph (b) and (c) to § 1394.1607 are added; and a new paragraph (q) is added to § 1394.-1902; as set forth below:

Restrictions on Use of Rations and Gasoline

§ 1394.1110 *Mutilation, destruction, or counterfeiting of coupon books or certificates.* (a) Except as provided in § 1394.1105, no person shall deface, mutilate, alter, burn or otherwise destroy and coupon book or bulk, inventory or other coupons (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or exchange certificate.

(b) No person shall counterfeit or forge any coupon book, or bulk, inventory or other coupon or any exchange certificate.

(c) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon book or bulk, inventory or other coupon or exchange certificate.

(d) Any defacement, mutilation or alteration of a coupon or ration book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid. The detachment of any coupon from a ration book, except in accordance with the provisions of § 1394.1503, shall render such coupon invalid.

(e) The provisions of paragraphs (a), (c) and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

* * * * *

General Provisions With Respect to Issuance of Gasoline Rations

§ 1394.1304 *Notation on ration books, applications and coupons.* * * *

(d) Each person to whom an A, B, C, D, S-1, S-2, or an E or R book has heretofore been or is hereafter issued shall clearly write in ink (or in the case of interchangeable coupon books issued for fleet vehicles, shall clearly write in ink or stamp in ink) on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon, the following information:

(1) In the case of A, B, C, D, S-1 or S-2 books: the license number and state of registration of the vehicle for which such ration was issued, except that in the case of interchangeable coupon books issued for fleet vehicles the information shall be the fleet designation and the state and city or town in which the principal office of the fleet operator is located.

(2) In the case of E and R books: his name and address as they appear on the front cover of the ration book.

(e) Each person to whom bulk coupons have heretofore been or are hereafter issued in accordance with the provisions of § 1394.1306 (b) shall clearly write his name and address in ink on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon.

* * * * *

Restrictions on Transfers

§ 1394.1503 *Transfers to consumers in exchange for coupons.* (a) * * *

(4) Transfer may be made only in exchange for coupons bearing the notations on the reverse side thereof required by § 394.1304 (d).

(b) * * *

(3) Transfer may be made only in exchange for coupons bearing the notations on the reverse side thereof required by § 1394.1304 (d).

(c) *Bulk coupons.* * * *

(2) Transfer may be made only in exchange for coupons bearing the notations on the reverse side thereof required by § 1394.1304 (e).

* * * * *

Replenishment and Audit

§ 1394.1606 *Restriction on use of inventory coupons.* * * *

(b) Every dealer and intermediate distributor shall clearly write in ink on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on his Certificate of Registration, and no inventory coupon shall be used in exchange for

[1] 7 F.R. 5225, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7399, 7510, 7748, 7811, 7907, 8708, 8808.

gasoline, and no gasoline may be transferred in exchange for inventory coupons, unless such notations appear on such coupons.

* * * * *

Restrictions on Transfers

§ 1394.1607 *Restriction on transfers.* (a) Except as provided in § 1394.1609, no dealer or distributor, whether within or without the limitation area, shall transfer or offer to transfer gasoline to any other dealer or distributor within the limitation area, and no dealer or distributor within the limitation area shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences, at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the amount of the gasoline so transferred: *Provided, however,* That coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors: *Provided, further,* That on and after November 21, 1942 transfers of gasoline may be made only in exchange for coupons bearing the notations required by paragraphs (d) and (e) of § 1394.1304 and paragrap. (b) of § 1394.1606.

(b) Every dealer or distributor who has in his possession or control any coupons or other evidences on which the notations required by paragraphs (d) and (e) of § 1394.1304 and paragraph (b) of § 1394.1606 do not appear shall dispose of such coupons in preference to those on which such notations do appear when exchanging coupons for transfers of gasoline or for Exchange Certificates (Form OPA R-548), or when submitting evidences in connection with State motor fuel tax reports, or when otherwise disposing of coupons pursuant to the terms of Ration Order No. 5A.

(c) On and after November 26, 1942 and not later than November 30, 1942 each dealer and distributor who has in his possession or control coupons on which the notations required by paragraphs (d) and (e) of § 1394.1304 and paragraph (b) of § 1394.1606 do not appear shall surrender such coupons to the Board having jurisdiction over the area in which his place of business is located. In the case of a distributor the board shall issue exchange certificates in exchange for such coupons in accordance with the provisions of § 1394.1614. In the case of a dealer, the board shall issue to the dealer in exchange for such coupons inventory coupons of equal gallonage value. After November 30, 1942 no exchange certificate or inventory coupons shall be issued to a distributor or dealer in exchange for coupons on which the notations required by paragraphs (d) and (e) of § 1394.1304 and paragraph (b) of § 1394.1606 do not appear.

Effective Date

* * * * *

§ 1394.1902 *Effective dates of amendments.* * * *

(q) Amendment No. 16 (§§ 1394.1110, 1394.1304 (d) and (e), 1394.1502, 1394.1503 (a) (4), (b) (3), (c) (2), 1394.1606, and 1394.1607 (a) (b), (c)) shall become effective November 21, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W. P. B. Dir. 1; Supp. Dir. 1 H; 7 F.R. 562, 3478, 3877, 5216)

Issued this 16th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11978; Filed, November 16, 1942; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amendment 34]

MIXED FEED AND FLOUR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1499.20 paragraphs (f) and (v) are amended to read as set forth below:

§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

* * * * *

(f) "Mixed feed" includes a mixture or blend of more than one feed ingredient for the purpose of feeding animals, except that

(1) Screenings as defined in the Official Publication of the Association of American Feed Control Officials Incorporated for 1942 shall be governed by this General Maximum Price Regulation and

(2) A mixture resulting from the blending or mixing of offals or by-products from a single vegetable, plant or other agricultural product shall be governed by this General Maximum Price Regulation.

* * * * *

(v) "Flour" means the flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soybeans and potatoes. Combinations of flours produced from the said commodities, and bleached, bromated, enriched, phosphated and self-rising flours shall be considered flour. Flour from wheat shall mean:

(1) Any product of the milling of wheat, other than durum wheat, whose ash content is not more than 1/20th of the protein calculated to a moisture-free basis plus .35 except that farina shall not be deemed to be flour from wheat.

(2) Any product of the milling of durum wheat, whose ash content calculated to a moisture-free basis, is not more than 1.5 per cent, except that semolina shall not be deemed to be a flour from wheat.

(3) Whole wheat flour.

(4) Whole durum wheat flour.

(5) Blends of the foregoing flours from wheat.

In determining whether the ash content of bleached, bromated, enriched, phosphated and self-rising flours complies with the above ash requirements, allowances shall be made for the increase in the ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

§ 1499.23a *Effective dates of amendment.* * * *

(j) Amendment No. 34 (§ 1499.20 (f) and (v)) to General Maximum Price Regulation shall become effective November 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11977; Filed, November 16, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 100 Under § 1499.18 (b) of GMPR]

HARDIE BROTHERS CO.

Order No. 100 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket-GF3-1583.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.900 *Adjustment of maximum price for 12 ounce packages of assorted chocolates manufactured and sold by Hardie Brothers Company.* (a) Hardie Brothers Company is hereby authorized to sell 12 ounce packages of assorted chocolates at 18¢ per package, f. o. b. Pittsburgh.

(b) The adjustment granted to Hardie Brothers Company is subject to the condition that purchasers from Hardie Brothers shall in no event charge more for 12 ounce packages of assorted chocolates at retail than their maximum prices as determined under paragraph (a) of section 2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of section 18 of said regulation.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942: *Provided, however,* That sellers may change discounts, allowances, and price differentials only if such changes result in prices lower than the maximum price fixed herein.

(d) Hardie Brothers Company shall mail or cause to be mailed to all persons who purchase 12 ounce packages of assorted chocolates from it for sale at retail, a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of 12 ounce packages of assorted chocolates for 17¢ per 12 ounce package to 18¢ per 12 ounce package. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices of sales of

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

said 12 ounce packages of assorted chocolates. In order that we may continue to provide you with 12 ounce packages of assorted chocolates, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 100 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 100 (§ 1499.900) is hereby incorporated as a Section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 100 (§ 1499.900) shall become effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 16th day of November, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11975; Filed, November 16, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 101 Under § 1499.18 (b) of GMPR]

MILLER CHEMICAL CO.

Order No. 101 under § 1499.18 (b) of the General Maximum Price Regulation—Miller Chemical Company, Omaha, Nebraska—Docket No. GF3-536.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1002 *Adjustment of maximum prices for sales of Anise Oil, U. S. P., by Miller Chemical Company.* (a) Miller Chemical Company, Omaha, Nebraska, may sell and deliver, and any person may buy and receive from Miller Chemical Company, anise oil, U. S. P., at a price not higher than $4.25 per pound.

(b) All discounts, allowances, and trade practices in effect during March 1942 with respect to sales of anise oil, U. S. P., by Miller Chemical Company shall remain in effect under this Order No. 101.

(c) At the time of the first delivery of anise oil, U. S. P., made to each purchaser at a price determined under this Order No. 101, Miller Chemical Company shall furnish each such purchaser with the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of anise oil, U. S. P., from $1.08 per pound to $4.25 per pound. This amount represents only that part of cost increases which we are unable to absorb, and it was granted with the understanding that other price increases would not be caused thereby. The Office of Price Administration has not permitted you or any other purchaser of this product from us to raise any maximum price by reason of our increased price to you.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 101 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 101 (§ 1499.1002) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 101 (§ 1499.1002) shall become effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 16th day of November, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11976; Filed, November 16, 1942; 11:44 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. LXX]

PART 802—GENERAL LICENSES

CERTAIN INTRANSIT SHIPMENTS

Paragraph (d) of § 802.9 *General Intransit licenses*[1] is hereby amended by revising that part of the paragraph which precedes the list of commodities to read as follows:

(d) Intransit shipments of commodities hereafter listed in this paragraph require individual export licenses except when proceeding under general intransit licenses GIT-A/A or GIT-Y/Z, as set forth in paragraph (b) of this section, or when proceeding under bond from Mexico through the United States to another part of Mexico, or when proceeding between any part of the Western Hemisphere and the Republic of Panama through the Panama Canal Zone:

* * * * *

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: November 13, 1942.

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

[F. R. Doc. 42-11965; Filed, November 16, 1942; 10:38 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417, 4417a, 4426, 4438, 4440, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391, 391a, 404, 224, 228, 481, 489, 367) and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the inspection and navigation regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

[1] 7 F.R. 5004, 5509, 5745, 7167, 7429, 8730, 9026.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.9 is amended by the addition of a new paragraph (b) reading as follows:

§ 153.9 *Construction of ring life buoys.*

* * *

(b) *Number of segments for cork or balsa wood ring life buoys.* Cork or balsa wood ring life buoys, if constructed of two layers, may consist of not more than 6 segments in one layer and not more than 12 segments in the other layer (Total: 18 segments). Cork or balsa wood ring life buoys may be constructed of 3 layers, with not more than 5 segments in each outside layer and not more than 8 segments in the center layer (Total: 18 segments). The joints shall, in all cases, be properly staggered and, with the exception of the number of segments permitted above, all other requirements for standard ring life buoys, including the strength test, steaming test, fitting and gluing of segments, dowel-pinning, etc., shall be complied with.

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

Part 155 is amended by the addition of a new § 155.11 reading as follows:

§ 155.11 *Inland mates of Great Lakes, steam or motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.5-2 and 78.33 of this chapter:

(a) Whenever any person presents himself for examination for license as mate of inland steamers, the Merchant Marine Inspector in Charge shall examine him as to his knowledge, experience, and skill in loading cargo and in handling and stowage of freight, his knowledge of the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, and his general familiarity with his duties in maintaining discipline and protecting the passengers, and if found qualified he shall grant him a license as such, but no such license shall be granted to any person who has not had at least 2 years' experience in the deck department of a steam vessel, sail vessel, motor vessel, or barge consort, 6 months of such service to have been in a steam or motor vessel.

Part 155 is further amended by the addition of a new § 155.20 reading as follows:

§ 155.20 *Inland mates of bays, sounds, and lakes other than the Great Lakes, steam or motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.6-2 and 96.32 of this chapter:

(a) Whenever any person presents himself for examination for license as mate of inland steamers, the Merchant Marine Inspector in Charge shall examine him as to his knowledge, experience, and skill in loading cargo and in handling and storage of freight, his knowledge of the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, and his general familiarity with his duties in maintaining discipline and protecting the passengers, and if found qualified he shall grant him a license as such, but no such license shall be granted to any person who has not had at least 2 years' experience in the deck department of a steam vessel, sail vessel, motor vessel, or barge consort, 6 months of such service to have been in a steam or motor vessel.

Part 155 is finally amended by the addition of a new § 155.34 reading as follows:

§ 155.34 *Inland mates of rivers, steam or motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.7–2 and 115.31 of this chapter:

(a) Whenever any person presents himself for examination for license as mate of inland or river steamers the Merchant Marine Inspector in Charge shall examine him as to his knowledge, experience, and skill in loading cargo and in handling and stowage of freight, his knowledge of the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, and his general familiarity with his duties in maintaining discipline and protecting the passengers, and if found qualified he shall grant him a license as such, but no such license shall be granted to any person who has not had at least 2 years' experience in the deck department of a steam vessel, sail vessel, motor vessel, or barge consort, 6 months of such service to have been in a steam or motor vessel.

PART 156—INSPECTION AND CERTIFICATION

Part 156 is amended by the addition of a new § 156.3 reading as follows:

§ 156.3 *Electrical installation.* The following provisions are, during the emergency, applicable as alternative provisions to those contained in §§ 32.6–1 to 32.6–5, inclusive, 63.9, 79.9, 97.11, and 116.16 of this chapter:

(a) The type of electric wires and cables to be used in the various part of all vessels constructed after October 1, 1942 may be in accordance with "Acceptable Substitute Specifications for Shipboard Cable, Wires and Cables—Construction and Applications, Modification of A. I. E. E. Standards No. 45, For the Duration of the National Emergency, sections 18, 19, 20, and 21", dated September 14, 1942, copies of which are available on request to the Commandant. Repairs, alterations, or extensions to the electrical wire or cable installations on existing vessels may be made in accordance with the provisions of this section for new construction.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Lifeboats

24′ x 7.9′ x 3.33′, 37-person metallic lifeboat (General Arrangement Dwg. No. 24–37), manufactured by Frank Morrison and Son Co., Cleveland, Ohio.

22′0″ x 7′6″ x 2′9″, 24-person metallic lifeboat (General Arrangement Dwg. No. LB–24–P, Sheet No. 1, Rev. 19 September 1942), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.

22′ x 6′6″ x 3′0″, 22-person metallic lifeboat (General Arrangement Dwg. No. H–1, dated 8 May 1942), manufactured by Hugo Manufacturing Co., Duluth, Minn.

Life Rafts

16-person life raft, Type WBD–517 (Dwg. No. WBD–517, dated 22 September 1942), manufactured by Walker Boat & Raft Co., New Orleans, La.

20-person life raft (Dwg. No. R–566, Rev. 20 September 1942), manufactured by Wm. H. Sands, Inc., Towson, Md.

18-person catamaran type life raft (Dwg. No. 1), manufactured by Moore Lumber Company, Galveston, Texas.

Life Preserver

Navy standard adult kapok life preserver (Dwg. No. WLP–1, dated 5 October 1942), Approval No. B–171, manufactured by Elvin Salow Company, Boston, Mass.

Signal Pistol

V-K, Mark 12, parachute signal pistol (Dwg. No. S–100, dated 16 October 1942, Rev. 30 October 1942), manufactured by Van Karner Chemical Arms Corp., New York, N. Y.

Chemical Heating Pads

Thermat chemical heating pad, manufactured by Bauer & Black, Chicago, Ill.

Lightningpak chemical heating pad, manufactured by Rose-Derry Co., Newton, Mass.

Daytime Distress Signals (Smoke Signals)

Coston Day Floating Smoke Signal, submitted by Coston Supply Co., New York, N. Y.

R. R. WAESCHE,
Commandant.

NOVEMBER 13, 1942.

[F. R. Doc. 42–11912; Filed, November 14, 1942; 9:24 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 14—ELECTRIC RAILWAYS; UNIFORM SYSTEM OF ACCOUNTS

In the matter of a uniform system of accounts to be kept by electric railways.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of November 1942.

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 108½, "Protective service revenue—Perishable freight," for electric railways; the order of July 31, 1937, changing the effective date to January 1, 1938; the order of December 18, 1937, changing the effective date to January 1, 1939; the order of November 28, 1938, changing the effective date to January 1, 1940; the order of November 6, 1939, changing the effective date to January 1, 1941; the order of December 10, 1940, changing the effective date to January 1, 1942, and the order of September 19, 1941,[1] changing the effective date to January 1, 1943.

It is ordered, That the effective date be changed to January 1, 1944.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–11969; Filed, November 16, 1942; 10:34 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 21, Amendment 2]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART M—CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL VEHICLES

Pursuant to Executive Order No. 8989 and Executive Order No. 9156, §§ 501.91, 501.96, and 501.99 of General Order ODT 21, as amended,[2] are hereby amended by striking out the words and figures "on and after November 15, 1942" wherever they appear therein, and § 501.104 of such general order is hereby amended to read as follows:

§ 501.104 *Effective date.* Except as otherwise provided herein, this subpart shall become effective December 1, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

This amendment shall become effective on November 15, 1942.

[1] 6 F.R. 5042.
[2] 7 F.R. 7100; 7 F.R. 9006.

Issued at Washington, D. C., this 12th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11905; Filed, November 13, 1942; 1:32 p. m.]

[Exemption Order ODT 21-2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

EXEMPTION OF CERTAIN VEHICLES

Passenger motor vehicles available for public rental under term lease; commercial motor vehicles used in driveaway service, or experimental testing, between plants in course of manufacture or assembly, in movement between places of storage and in course of repossession or seizure.

Pursuant to Executive Order No. 8989, and Executive Order No. 9156: *It is hereby ordered,* That:

§ 521.3501 *Partial exemption of passenger motor vehicles available for public rental under term lease; commercial motor vehicles used in driveaway service, or experimental testing, between plants in course of manufacture or assembly, in movement between places of storage and in course of repossession or seizure.* All rubber-tired vehicles, propelled or drawn by mechanical power, (other than buses, taxicabs, jitneys, ambulances, hearses, trucks, and station wagons and suburban carryalls used in the transportation of persons or property for compensation), used in the transportation of persons upon the highways and available for public rental, operated under lease, rental or similar agreement for a term of more than seven consecutive days; driveaway commercial motor vehicles operated by a manufacturer or dealer, or by a carrier upon behalf of a manufacturer or dealer, exclusively for the purpose of sale by such manufacturer or dealer; commercial motor vehicles operated in the course of movement from a place of storage to another place of storage, or to a place of storage upon repossession or upon seizure by competent governmental authority; commercial motor vehicl : used by the United States or any agency thereof, the District of Columbia, a State or any agency or political subdivision thereof, in testing tires, fuels, or equipment; commercial motor vehicles used exclusively for the experimental testing of synthetic or natural rubber tires by manufacturers or producers of such tires; and commercial motor vehicles operated in the course of manufacture or assembly for the purpose of testing such vehicles or in the course of movement within or between plants engaged in their manufacture or assembly, are hereby exempted from the provisions of General Order ODT 21, as amended, except § 501.101.

This exemption order (§ 521.3501) shall become effective on December 1, 1942, and shall remain in full force and effect until further order. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order ODT 21, 7 F.R. 7100, 7 F.R. 9006)

Issued at Washington, D. C., this 13th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11907; Filed, November 13, 1942; 3:46 p. m.]

[General Permit ODT 24-4]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS RESTRICTED

STREET, SUBURBAN AND INTERURBAN ELECTRIC RAILWAYS

In accordance with the provisions of Title 49, Chapter II, Part 500, Subpart D (General Order ODT 24 [1]), § 500.42 of the Code of Federal Regulations, it is hereby authorized, that:

§ 520.603 *Electric passenger train and car operations.* Notwithstanding the provisions of paragraphs (a), (b), and (d) of § 500.41 of General Order ODT 24, any rail carrier when operating a street, suburban, or interurban electric railway, independently and not as a part of a general steam railroad system of transportation, may operate on any such electric railway;

(a) Passenger train or passenger car schedules in addition to those operated during the week ending September 26, 1942; or

(b) Extra or special passenger trains or passenger cars, or passenger trains or passenger cars which are not scheduled; or

(c) Extra sections to scheduled passenger trains or passenger cars.

This general permit shall become effective November 14th, 1942, and shall remain in full force and effect until further order of this office.

Issued at Washington, D. C., this 14th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11924; Filed, November 14, 1942; 11:52 a. m.]

[General Permit ODT 17-16, Correction]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION OF FARM PRODUCTS AND SUPPLIES

In General Permit ODT 17-16,[2] this title, chapter, part, and subpart of the Code of Federal Regulations, the section number "521.2891" should read "521.2892", and it is hereby corrected accordingly.

[1] 7 F.R. 7814.
[2] 7 F.R. 8834.

Issued at Washington, D. C., this 14th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11923; Filed November 14, 1942; 11:52 a. m.]

[General Permit ODT 17-17]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION OF FLORISTS' PRODUCTS

In accordance with the provisions of § 501.71, Subpart K, (General Order ODT 17, as amended),[1] Part 501, this chapter and title of the Code of Federal Regulations, it is hereby authorized, That:

§ 521.2893 *Transportation of florists' products.* Notwithstanding the provisions of paragraph (c), § 501.68, Subpart K, (General Order ODT 17, as amended), Part 501, this chapter and title of the Code of Federal Regulations, any motor carrier when operating a motor truck in local delivery of cut flowers, containers thereof, potted plants, floral designs and equipment used in connection therewith, may make three deliveries to a funeral home, or two deliveries to a funeral in a private home, in any one calendar day, and may make one additional delivery in any one calendar day to the premises, at which a wedding is held, for the purpose of removing potted plants, decorations and equipment used in connection therewith. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order ODT 17, as amended, 7 F.R. 5678, 7 F.R. 7694)

This general permit shall become effective November 16th, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

Issued at Washington, D. C., this 16th day of November, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11962; Filed, November 16, 1942; 10:52 a. m.]

[1] 7 F.R. 5678, 7694.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-338]

RUSH AND BACKUS

NOTICE OF AND ORDER FOR HEARING

In the matter of Clyde Rush and Grover Backus, individually and as copartners doing business under the name and style of Rush and Backus, Code Member.

A complaint dated October 12, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous

Coal Act of 1937 (the "Act"), having been duly filed on October 15, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Clyde Rush and Grover Backus, individually and as co-partners doing business under the name of Rush and Backus (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 16, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the New Federal Building, Room 322, Columbus, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Clyde Rush and Grover Backus, individually and as co-partners doing business under the name and style of Rush and Backus, a partnership, with principal offices in New Straitsville, Ohio, operating the Rush and Backus Mine, Mine Index No. 2631, located in Perry County, Ohio, District No. 4, has wilfully violated the Act, the Code and the rules and regulations thereunder by:

1. Selling and delivering coal produced at said mine to the Straitsville Brick Company, New Straitsville, Ohio, f. o. b. the mine for truck shipment as follows: (a) During the period May 1, 1941 to November 30, 1941, both dates inclusive, 1165 tons of 2'' x 0 nut, pea and slack coal (Size Group 7) at 90 cents per net ton; and (b) during the month of December 1941, 10 tons of 2'' x 0 nut, pea and slack coal (Size Group 7) at 90 cents per net ton, whereas the effective minimum price for said coal was $1.65 per net ton f. o. b. the mine, for truck shipment as set forth in the Temporary Supplement 7 of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, resulting in violation of section 4 II (e) of the Act and Part II (e) of the Code; and

2. Failing to comply with the provisions of Orders Nos. 307 and 309, issued by the Division on December 11, 1940 and January 14, 1941, respectively, in that (a) the reports filed for each month from May 1941 to and including November 1941, covering sales of coal at said mine by truck or wagon to said Straitsville Brick Company, falsely stated the tonnage and prices, in that said reports showed sales of 2'' nut, pea and slack coal aggregating 688 tons and the price at $1.65 per ton f. o. b. the mine, whereas the tonnage was 1165 tons and the actual sales price was 90 cents per ton f. o. b. the mine; and (b) the reports filed for the month of December 1941, covering the sales by truck or wagon to Straitsville Brick Company, falsely stated that tonnage and price of said coal, in that the tonnage was shown to be 110 tons of 2'' x 0 nut, pea and slack coal and the price $1.65 per ton f. o. b. the mine, whereas said shipments consisted of 10 tons of 2'' x 0 nut, pea and slack coal and the actual sales price was 90 cents per ton f. o. b. the mine; resulting in violations of section III (b) of Order No. 307 and Order No. 309.

Dated: November 13, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11972; Filed, November 16, 1942; 11:19 a. m.]

General Land Office.

[Public Land Order 50]

NEVADA

ORDER WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., Title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

MOUNT DIABLO MERIDIAN

Tps. 30 to 35 N. incl., R. 68 E., partly unsurveyed.
Tps. 30 to 35 N. incl., R. 69 E., partly unsurveyed.
Tps. 30 to 35 N. incl., R. 70 E., partly unsurveyed.

The areas described aggregate 414,720 acres.

The order of the Secretary of the Interior of April 8, 1935, establishing Nevada Grazing District No. 1, is hereby modified to the extent necessary to permit the use of the land and minerals as herein provided.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 3, 1942.

[F. R. Doc. 42-11960; Filed, November 16, 1942; 10:42 a. m.]

Office of Indian Affairs.

WIND RIVER RESERVATION, WYOMING

ORDER RESTORING LANDS TO TRIBAL OWNERSHIP

Corrections

In the document appearing on page 7458 of the issue for Tuesday, September 22, 1942, the following changes should be made: In Land Use District 13, the third entry under Township 5 North, Range 6 East, should read "Sec. 8, W½", instead of "Sec. 5, W½". In Land Use District 24, the fifth entry under Township 7 North, Range 4 East should read "Secs. 21 to 24 incl.;" instead of "Secs. 21 to 34, incl.;". The second entry under Township 6 North, Range 5 East should read "Secs. 2 to 11, incl.;" instead of "Sec. 15 to 30, incl.;". In Land Use District 44, under Township 5 North, Range 6 East the description under sec. 16 which reads "N½ S¼ SE¼" should read "N½ S½ SE¼". The description under sec. 21 which reads "NW¼ NW¼ SE¼" should read "NW¼ NW¼ NE¼".

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

OHIO

DESIGNATION OF LOCALITIES IN COUNTY FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION III—OHIO

GALLIA COUNTY

Locality I—Consisting of the townships of Addison, Cheshire, Clay, Gallipolis, Green, and Springfield, $3,640.

Locality II—Consisting of the townships of Guyan, Greenfield, Harrison, Walnut, Perry, Ohio, Huntington, Raccoon, and Morgan, $2,356.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: November 12, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-11963; Filed, November 16, 1942; 11:04 a. m.]

ARKANSAS

DESIGNATION OF LOCALITIES IN COUNTY FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI—ARKANSAS

HOT SPRING COUNTY

Locality I—Consisting of the townships of Brown Springs, Clear Creek, Fenter, Harrison, Lone Hill, Midway, Ouachita, and Prairie, $1,699.

Locality II—Consisting of the townships of Big Creek, Butterfield, Dover, Gifford, Magnet, and Saline, $1,646.

Locality III—Consisting of the townships of Alford, Antioch, Bismarck, DeRoche, Henderson, Montgomery, and Valley, $958.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: November 12, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-11964; Filed, November 16, 1942; 11:04 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

LUGGAGE, LEATHER GOODS, BELTS AND WOMEN'S HANDBAG INDUSTRY

MINIMUM WAGE RATES

Notice of opportunity to show cause in the matter of the determination of the prevailing minimum wage in the luggage, leather goods, belts, and women's handbag industry.

Whereas, the prevailing minimum wage determination for the Luggage and Saddlery Industries, issued by the Acting Secretary of Labor on July 12, 1938, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35), as amended on September 26, 1939, provides that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of that Act, for the manufacture or supply of luggage, including mail satchels or pouches, and carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife), shall be 40 cents an hour for the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, Colorado, and New Mexico and 37½ cents an hour for the other twenty-six States and the District of Columbia; and

Whereas the Administrator of the Wage and Hour Division issued on July 1, 1942, pursuant to the Fair Labor Standards Act of 1938, a wage order effective July 27, 1942, providing that wages at the rate of not less than 40 cents an hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Luggage, Leather Goods, and Women's Handbag Industry, and defining that industry as follows:

(a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in paragraph (a) of this section;

and

Whereas the Luggage, Leather Goods, and Women's Handbag Industry, as so defined, includes within its scope substantially all the products covered by the prevailing minimum wage determination for the Luggage and Saddlery Industries, and it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to adopt the definition contained in the Luggage, Leather Goods, and Women's Handbag Wage Order for the purposes of this wage determination; and

Whereas it appears desirable to extend the proposed wage determination to articles which are subject to the wage order of the Administrator of the Wage and Hour Division for the Belts Division of the Apparel Industry, effective July 15, 1940, establishing 40 cents an hour as the minimum wage to be paid to employees in the manufacture of men's, boys', women's, misses' and children's separate belts from leather, imitation leather, or other material or fabric who are engaged in commerce or in the production of goods for commerce; and

Whereas it appears that substantially all employees subject to the proposed wage determination for the Luggage, Leather Goods, Belts, and Women's Handbag Industry are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage orders of the Administrator for the Luggage, Leather Goods, and Women's Handbag Industry and for the Belts Division of the Apparel Industry have the effect of establishing a minimum wage of not less than 40 cents an hour in the Luggage, Leather Goods, Belts, and Women's Handbag Industry as defined in the proposed wage determination; and

Whereas it appears desirable for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act to provide that apprentices and learners may be employed under the proposed determination at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division (Regulations, Ti. 29, c. V, Parts 521 and 522, respectively).

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before December 3, 1942, why the Secretary of Labor should not make a determination pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, 35), that the prevailing minimum wage for persons employed in the Luggage, Leather Goods, Belts, and Women's

Handbag Industry is not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piecework basis, provided that apprentices and learners may be employed in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, and defining the Luggage, Leather Goods, Belts, and Women's Handbag Industry, for the purposes of this determination, as follows:

(a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered wiith leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in paragraph (a) of this section.

(c) The manufacture of men's, boys', women's, misses', and children's separate belts from leather, imitation leather, or other material or fabric.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than December 3, 1942.

Dated: November 12, 1942.

WM. R. MCCOMB,
Deputy Administrator.

[F.R. Doc. 42-11925; Filed, November 14, 1942; 11:49 a. m.]

Office of the Secretary of Labor.

[Administrative Order 101, Supp. 1]

WAGE ADJUSTMENT BOARD FOR THE BUILDING CONSTRUCTION INDUSTRY

REQUESTS FOR WAGE ADJUSTMENT

Pursuant to the request of the National War Labor Board, dated November 13, 1942, Administrative Order No. 101 [1] is hereby amended to add a section which is to read as follows:

In addition to the powers vested in the Board by § 4.2 of this order, the Board shall consider and act upon requests for any wage adjustments on projects done for or financed by the Government agencies which are parties to the Wage Stabilization Agreement of May 22, 1942, or which shall become parties thereto, when presented by employers, Government contracting agencies or any group of workers not specified in § 4.2 of this order, as well as when presented by unions, including wage rates which are not prescribed by collective bargaining agreements. Nothing in this section shall change the procedure estabished in § 4.2 for the presentation of requests for wage adjustments by local labor organizations therein described.

Dated: November 13, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11926; Filed, November 14, 1942; 11:49 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 1-1]

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, ET AL.

POOLING OF MERCHANDISE TRAFFIC

Upon consideration of the application for authority to pool merchandise traffic, filed with this Office by St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), Atlantic Coast Line Railroad Company, Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers), and Central of Georgia Railway Company (M. P. Callaway, Trustee), as contemplated by General Order ODT 1,[1] as amended, and good cause appearing therefore, *It is hereby ordered*, That:

1. St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) shall load and forward a merchandise car from Memphis, Tennessee, to Jacksonville, Florida, on six days of each week.

2. The route of movement of such car shall be alternated daily between a route via St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), Central of Georgia Railway Company (M. P. Callaway, Trustee), and Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers) and a route via St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), Central of Georgia Railway Company (M. P. Callaway, Trustee), and Atlantic Coast Line Railroad Company.

3. St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) shall disregard routing instructions given with respect to merchandise traffic tendered it for movement by rail between Memphis, Tennessee, and Jacksonville, Florida, to the extent necessary to enable it to forward such traffic from Memphis in the merchandise car first leaving after the receipt of such traffic at Memphis.

This Order shall become effective November 14th, 1942.

Issued at Washington, D. C., this 14th day of November, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11961; Filed, November 16, 1942; 10:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 39]

CHENEY BROS.

ORDER GRANTING ADJUSTMENT

Order No. 1 under § 1400.160 (c) of Maximum Price Regulation No. 39—Woven Decorative Fabrics.

Adjustment of maximum prices for sales of woven decorative fabrics by the cut-length sales department of Cheney Bros.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with § 1400.160 (c) of Maximum Price Regulation No. 39; *It is ordered:*

(a) The maximum prices for sales of woven decorative fabrics by the cut-length sales department of Cheney Bros., of New York, N. Y., shall be determined in accordance with § 1400.164 of Maximum Price Regulation No. 39.

(b) Cheney Bros. with respect to its cut-length sales department only shall be considered a person other than a manufacturer for the purposes of Maximum Price Regulation No. 39, and shall comply accordingly with the provisions applicable to persons other than manufacturers.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11953; Filed, November 14, 1942; 12:25 p. m.]

[Order 15 Under MPR 169]

SALTER MEAT COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 15 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-45.

On August 10, 1942, Salter Meat Company, 3049 East Vernon Avenue, Los Angeles, California, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 15 has been issued simultaneously herewith.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration; *It is hereby ordered:*

(a) Salter Meat Company may sell and deliver, agree, offer, solicit and attempt to sell and deliver steer, heifer, and cow carcasses cutter and canner grade at a price not in excess of 15¾ cents per pound and any person may buy and receive from the Salter Meat Com-

[1] 7 F.R. 5893.

[1] 7 F.R. 3046, 3213, 3753.

pany such steer, heifer, and cow carcasses at a price not in excess of 15¾ cents per pound.

(b) Salter Meat Company shall mail or cause to be mailed to all persons who purchase steer, heifer and cow carcasses, cutter and canner grade from it for resale a notice reading as follows:

The Office of Price Administration by Order No. 15 effective November 16, 1942 pursuant to § 1364.60 of Maximum Price Regulation No. 169 has permitted us to raise our maximum price for sales to you of steer, heifer, and cow carcasses, cutter and canner grade, from 14¾ cents per pound to 15¾ cents per pound. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of steer, heifer, and cow carcasses, cutter and canner grade. In order that we may continue to provide you with steer, heifer, and cow carcasses cutter and canner grade it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to terms used herein.

(f) This Order No. 15 shall become effective November 16, 1942.

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11954; Filed, November 14, 1942; 12:24 p. m.]

[Order 60 Under MPR 188]

LOCKE INSULATOR CORP.

MAXIMUM PRICES FOR PORCELAIN COOKWARE

Order No. 60 under § 1499.158 of maximum Price Regulation No. 188— Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is ordered*:

(a) The Locke Insulator Corporation, Baltimore, Maryland, is authorized to sell, offer to sell, or deliver, porcelain cookware at prices no higher than the prices listed herein.

Item	Number	Price each
Duchess Pattern		
Saucepan and cover sets	1	$ .98⅛
	2	1.15
	3	1.31⅜
	4	1.48⅛
	6	1.65
Saucepan only	1	.75
	2	.88⅛
	3	1.00
	4	1.11⅜
	6	1.23⅛
Prudence pattern		
Saucepan and cover sets	1	$0.98⅛
	2	1.15
	3	1.31⅜
Saucepan only	1	.75
	2	.88⅛
	3	1.00
Double boiler—upper part only	1	.75
	3	1.00
Other items		
Fry pan and cover	8	1.15
	10	1.48⅛
Fry pan only	8	.78⅛
	10	1.06⅜
Bases (table serving tiles)	1	.15
	2	.16⅜
	4	.21⅜
	6	.25
	8	.33⅛
Inserts	4¾	.11⅜
	5	.13⅛
	5½	.15
	6	.16⅜
	6½	.18⅛
	7¾	.20
	9	.21⅜
Pie plate	10	.33⅛
Casserole with cover	8	1.31⅜
	10	1.65
Casserole only	8	.95
	10	1.23⅛
Custard cup	1	.20
Ramekin	1	.23⅛

(b) This Order No. 60 may be revoked or amended by the Price Administrator at any time.

(c) Issued and effective this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11952; Filed, November 14, 1942; 12:26 p. m.]

[Suspension Order 160]

EDDIE'S SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Albert C. Hackett, doing business as Eddie's Service Station, 428 First Avenue, West Haven, Connecticut, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Hartford, Connecticut, on October 26, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, It is hereby determined that:

(a) Respondent operates a filling station at 428 First Avenue, West Haven, Connecticut, known as Eddie's Service Station, at which station gasoline is regularly transferred to consumers.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that at divers times between July 22 and September 22, 1942, respondent sold and transferred gasoline to consumers in exchange for gasoline ration coupons Class A, No. 2.

Because of the great scarcity and critical importance of gasoline in Connecticut, violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 160 shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 18, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law. 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216).)

Issued this 14th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing

[F. R. Doc. 42-11949; Filed, November 14, 1942; 12:26 p. m.]

[Suspension Order 161]

MAPLE SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

William V. Reidy, doing business as Maple Service Station, 118 Maple Avenue, Hartford, Connecticut, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Hartford, Connecticut, on October 26, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, It is hereby determined that:

(a) Respondent operates a filling station at 118 Maple Avenue, Hartford, Connecticut, known as Maple Service Station, at which station gasoline is regularly transferred to consumers.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that at divers times between July 22 and September 18, 1942, respondent sold and transferred gasoline to consumers in exchange for gasoline ration coupons Class A, No. 2, and Class A, No. 3.

Because of the great scarcity and critical importance of gasoline in Con-

necticut, violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 161 shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 18, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 14th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-11950; Filed, November 14, 1942; 12:27 p. m.]

[Suspension Order 162]

TREASURE ISLAND SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Raymond DeAngelo and Hillaire E. Mark, co-partners, doing business as Treasure Island Service Station, Fair and Olive Streets, New Haven, Connecticut, hereinafter called respondents, were duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Hartford, Connecticut, on October 27, 1942. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, it is hereby determined that:

(a) Respondents operate a filling station at Fair and Olive Streets, New Haven, Connecticut, known as Treasure Island Service Station, at which station gasoline is regularly transferred to consumers.

(b) Respondents have violated Ration Order No. 5A, Gasoline Rationing Regulations, in that at divers times between July 22 and September 17, 1942, respondents sold and transferred gasoline to consumers in exchange for gasoline ration coupons Class A, No. 2.

Because of the great scarcity and critical importance of gasoline in Connecticut, violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondents are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondents shall not sell, transfer or delivery any gasoline to any person.

(2) Respondents shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondents for resale.

(d) Any terms used in this Suspension Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 162 shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 18, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 11th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 14th day of November, 1942.

PAUL M. O'LEARY,
Deputy Administrator,
In Charge of Rationing.

[F. R. Doc. 42-11951; Filed, November 14, 1942; 12:27 p. m.]

[Suspension Order 155]

DUKE OIL COMPANY

ORDER RESTRICTING TRANSACTIONS

S. W. Duke, doing business as Duke Oil Company, Bremen, Georgia, herein called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on October 9, 1942, in Bremen, Georgia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondent is a dealer in gasoline within the meaning of Ration Order No. 5A, Gasoline Rationing Regulations, and operates a filling station at Bremen, Georgia.

(b) Respondent has violated § 1394.1502 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 25, 1942, at Bremen, Georgia, respondent transferred 16 gallons of gasoline to J. B. Warren, a consumer, without receiving in exchange therefor any gasoline ration coupon.

(c) Respondent has violated § 1394.1502 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 25, 1942, at Bremen, Georgia, respondent transferred 10 gallons of gasoline to W. F. Whitton, Jr., a consumer, without receiving in exchange therefor any gasoline ration coupon.

(d) Respondent has violated § 1394.-1502 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 25, 1942, at Bremen, Georgia, respondent transferred about 15 gallons of gasoline to a private consumer, F. E. Deaton, and into the fuel tank of a motor vehicle in exchange for gasoline ration coupons (Class S) from a coupon book that was not issued for and did not bear the identification of the vehicle into which the transfer was made.

(e) The foregoing transfers by respondent were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A to be made without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Georgia, the violations of the gasoline rationing regulations by respondent have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing, that further violations of the gasoline rationing regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(f) During the period in which this Suspension Order No. 155 shall be in effect:

(1) Respondent shall not sell, transfer, or deliver any gasoline to any person at or from his filling station in Bremen, Georgia.

(2) Respondent shall not accept any deliveries or transfers of or in any manner directly or indirectly receive from any source any gasoline at or for his filling station in Bremen, Georgia.

(3) No person, firm, or corporation shall deliver or in any manner directly or indirectly transfer any gasoline to respondent at or for his filling station in Bremen, Georgia.

(g) Any terms used in this Suspension Order No. 155 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(h) This Suspension Order No. 155 shall become effective 12:01 A. M., November 18, 1942, and unless sooner terminated shall expire 12:01 A. M., January 17, 1943.

(Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Dir. 1 (7 F.R. 562) and Supp. Dir. 1H (7 F.R. 3478, 3877, 5216))

Issued this 14th day of November, 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-11948; Filed, November 14, 1942; 12:26 p. m.]

[Order 10 Under MPR 169]

STANDARD PACKING COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 10 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-70.

On August 22, 1942, Standard Packing Company, 2400 East Vernon Avenue, Los Angeles, California, filed a petition for adjustment or exception pursuant to § 1364.60 of Maximum Price Regulation No. 169 as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 10 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Standard Packing Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver beef carcasses of the grades hereinafter set forth and any person may buy and receive from the Standard Packing Company such beef carcasses at prices not in excess of those established as follows:

	Per pound
Beef carcasses—good grade	21½¢

(b) Standard Packing Company shall mail or cause to be mailed to all persons who purchase beef carcasses from it for sale at wholesale or retail a notice reading as follows:

The Office of Price Administration, by Order No. 10, effective November 16, 1942, pursuant to § 1364.60 of the Maximum Price Regulation No. 169, has permitted us to raise our maximum price for sales to you of beef carcass good grade from 20½¢ per pound to 21½¢ per pound.

This amount represents only that part of cost increase which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised.

The Office of Price Administration has not permitted you or any other seller to raise the maximum price for sale of carcass beef. In order that we may continue to provide you with carcass beef good grade it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 10 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 10 shall become effective November 16, 1942.

Issued this 16th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11979; Filed, November 16, 1942; 11:44 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-47]

JACKSONVILLE GAS COMPANY

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of November, A. D. 1942.

This Commission, on May 28, 1942, having issued its order approving the plan, as modified, of Jacksonville Gas Company to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (hereinafter called "the Plan"), subject to reservation of jurisdiction with respect to the proposed indenture, certificate of incorporation and similar documents pertaining to the company as should be prepared in connection with and prior to final consummation of the Plan, with respect to such matters as should require the further attention of the Commission in the proceeding under section 15 (f) of the Act, and with respect to such amendments or modifications, if any, of the Plan, as the District Court of the United States for the Southern District of Florida should refer to the Commission for consideration; and

Pursuant to said order, counsel for the Commission having made application on behalf of the Commission to the District Court of the United States for the Southern District of Florida to enforce and carry out the terms and provisions of the Plan; and

Upon due notice and after hearings duly held, the District Court of the United States for the Southern District of Florida having filed its order, approving the Plan as fair and equitable and appropriate to effectuate the provisions of section 11 of the Act, which order authorized and directed Jacksonville Gas Company, among other things, to do such acts as may be necessary or appropriate to carry out the terms and provisions of the Plan, including such acts as may be necessary to effect the organization of a new corporation under the laws of the State of Florida to be called "Jacksonville Gas Corporation," to cause Jacksonville Gas Corporation to execute, file and adopt a certificate of incorporation and by-laws subject to approval by the Commission and by the Court, to cause Jacksonville Gas Corporation to execute with The Florida National Bank of Jacksonville as Trustee a first mortgage and deed of trust subject to approval by the Commission and by the Court, to execute and file and cause Jacksonville Gas Corporation to execute and file subject to the approval of the Commission and of the Court, such documents as may be appropriate in connection with the consummation of the Plan, and to incur and pay or cause Jacksonville Gas Corporation to incur and pay taxes, charges, expenses, compensation and fees in connection with the consummation of the Plan in amounts not exceeding the sums estimated as part of the Plan, subject to obtaining approval of the Commission for all payments requiring such approval under the applicable rules and orders of the Commission; and

Jacksonville Gas Company having filed with the Commission Amendments No. 7, No. 8 and No. 9 to its Application, setting forth:

(1) A proposed Certificate of Incorporation and By-laws of Jacksonville Gas Corporation and a proposed First Mortgage and Deed of Trust from Jacksonville Gas Corporation to The Florida National Bank of Jacksonville as Trustee;

(2) Pro forma balance sheets of Jacksonville Gas Corporation as at December 31, 1941 and May 31, 1942;

(3) An outline of the mechanics of consummating the Plan, including certain modifications thereof with respect to the following matters: (a) the initial board of directors and the initial officers of Jacksonville Gas Corporation, (b) the reservation of 18 shares of the authorized and unissued common stock of Jacksonville Gas Corporation for issuance to such persons as may be entitled to receive all or part of the $18,159.50 principal amount of unissued income notes of Jacksonville Gas Company, (c) payment of cash to holders of income debentures and income notes of Jacksonville Gas Company, and to persons entitled to receive unissued income notes of Jacksonville Gas Company, in principal amounts less than $1,000 or in excess of even multiples of $1,000, at the rate of 1.5575¢ for each dollar of such fractional principal amounts, (d) the reduction in the number of shares of Jacksonville Gas Corporation's common stock to be issued and delivered and to be reserved for issuance, from 36,448 shares and 18 shares respectively, to the extent required by payment of fractional claims in cash, (e) increase of cash to be deposited with the exchange agent in an amount sufficient to pay fractional claims in cash, estimated not to exceed $3,000, and (f) the naming of a Stock Transfer Agent, a Stock Registrar and an Exchange Agent;

(4) A request that the Commission's order include certain recitals pursuant to the provisions of subdivision (f) of Section 1808 of the Internal Revenue Code;

(5) A request that the Commission approve the instruments referred to in said amendments and the provisions relative to the plan therein set forth;

(6) A request that the Commission reserve jurisdiction with respect to any increases in fees and expenses over and above those already approved as part of the Plan; and

(7) A request that the Commission make application to the District Court of the United States for the Southern District of Florida for an order approving and enforcing the modifications of the plan proposed in said amendments; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said matters and that said Amendments shall not be approved except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the rules of the Commission thereunder be held on November 24, 1942 at 10 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings on such matters. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said Amendments otherwise to be considered in these proceedings, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the proposed First Mortgage and Deed of Trust, Certificate of Incorporation and By-laws are necessary or appropriate to carry out the terms and provisions of the Plan as approved by the Commission and by the United States District Court for the Southern District of Florida.

2. Whether the proposed pro forma balance sheets reflect the accounting entries required by the terms and provisions of the Plan.

3. Whether the mechanics of consummating the Plan, and the proposed modifications thereof, are necessary or appropriate to carry out the terms and provisions of the Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-11927; Filed, November 14, 1942; 12:13 p. m.]

[File No. 70-625]

TRI-CITY UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company; and

Notice is further given that any interested person may, not later than November 23, 1942, at 5:30 p. m. E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Tri-City Utilities Company proposes to sell for an aggregate base price of $195,000, in cash, all the properties (including materials and supplies) comprising its Ohio River electric division, to Meade County Rural Electric Cooperative Corporation and Green River Rural Electric Cooperative Corporation, in accordance with the terms and provisions of an agreement dated November 6, 1942. The utility assets herein proposed to be sold are located in the Counties of Breckinridge and Hancock, in the Commonwealth of Kentucky, and in the County of Perry, in the State of Indiana.

Tri-City Utilities Company has requested that the Commission issue its order permitting the declaration to become effective, or granting the application, on or before November 25, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-11928; Filed, November 14, 1942; 12:13 p. m.]

[File No. 70-203]

CINCINNATI GAS AND EECTRIC COMPANY, ET AL.

ORDER GRANTING APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of November, A. D. 1942.

In the Matter of Cincinnati Gas & Electric Company, Hamilton Service Company, Harrison Electric and Water Company, Loveland Light and Water Company, West Harrison Electric and Water Company, and Columbia Gas & Electric Corporation.

Columbia Gas & Electric Corporation, a registered holding company, and The Cincinnati Gas & Electric Company, The Hamilton Service Company, The Harrison Electric and Water Company, The Loveland Light and Water Company, and West Harrison Electric and Water Company, subsidiaries thereof, having filed appropriate joint applications and declarations, and amendments thereto, under sections 6 (b), 12, 9 (a), and 10 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, for approval of the merger of said The Hamilton Service Company, The Harrison Electric and Water Company and The Loveland Light and Water Company into said The Cincinnati Gas & Electric Company, with the latter company continuing as the surviving corporation, and also with respect to transactions incident thereto; and

Columbia Gas & Electric Corporation having filed an application under Instruction 8 (C) of the Uniform System of Accounts of Public Utility Holding Companies, promulgated under said Act, for approval of the accounting treatment of the additional investment it proposes to make in Cincinnati as a part of the merger program; and

Public hearings having been held on said applications and declarations, after appropriate notice, and the Commission having examined the record and made and filed its Findings based thereon;

It is ordered, That said applications and declarations, as amended, be and they hereby are approved and permitted to become effective, subject, however, to the terms and conditions prescribed by Rule U-24; and subject to the further condition that the express authorization or approval by the Indian Public Service Commission of the proposed transactions involved in the acquisition by West Harrison Electric and Water Company of the assets of The Harrison Electric and Water Company, located in the state of Indiana, be obtained and submitted to this Commission within sixty days from the date of this order:

Provided, That jurisdiction is reserved to take such action as may at any time be deemed appropriate with respect to the accounts of The Cincinnati Gas & Electric Company, the accounting treatment of the aggregate carrying value of the investment of Columbia Gas & Electric Corporation in the securities of The Cincinnati Gas & Electric Company, or the retainability of any of the properties of the companies involved in the merger in the holding company system.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-11929; Filed, November 14, 1942; 12:13 p. m.]

[File No. 1-426]

THE GREATER NEW YORK BREWERY, INC.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 13th day of November, A. D. 1942.

In the Matter of proceeding under section 19(a)(2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of The Greater New York Brewery, Inc. Common Capital Stock, $1.00 Par Value, should be suspended or withdrawn.

I

It appearing to the Commission:

That The Greater New York Brewery, Inc., (formerly Fidelio Brewery, Inc.) a corporation organized under the laws of the State of New York, is the issuer of Common Capital Stock, $1.00 Par Value; and

That said The Greater New York Brewery, Inc. registered such security on the New York Curb Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about April 18, 1935 an application on Form 10, and on or about February 28, 1941 and March 17, 1941 applications on Form 8–A, pursuant to section 12(b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B–1, as amended, promulgated by the Commission thereunder, registration pursuant to such applications having become effective on July 1, 1935 and April 18, 1941, respectively, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A–1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A–2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10–K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said The Greater New York Brewery, Inc.; and

That said Rule X-13A–1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10–K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A–1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said The Greater New York Brewery, Inc. has a fiscal year ending September 30; that the annual report for its fiscal year ended September 30, 1941 was due to be filed not later than January 28, 1942; that the time for filing was extended to March 31, 1942, the maximum extension permitted by Rule X-13A–1; that the annual report for the fiscal year ended September 30, 1941 was not filed either within such extended period or at any later date; and

II

The Commission having reasonable cause to believe that:

The said The Greater New York Brewery, Inc. has failed to comply with the provisions of Section 13 of the Securities Exchange Act of 1934, as amended, and Rules X–13A–1 and X–13A–2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended September 30, 1941 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether The Greater New York Brewery, Inc. has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, $1.00 Par Value, of said The Greater New York Brewery, Inc. on said New York Curb Exchange;

It is further ordered, pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Frederick T. Finnigan, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 24th day of November, 1942, at 10:00 A. M. Eastern War Time at the Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42–11930; Filed, November 14, 1942; 12:13 p. m.]

[File No. 811–40]

UTILITY & INDUSTRIAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November, A. D. 1942.

An application having been filed by Utility & Industrial Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on November 20, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42–11931; Filed, November 14, 1942; 12:14 p. m.]

[File No. 812–294]

DAVID G. BAIRD

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of November, A. D. 1942.

An application having been filed by David G. Baird, an affiliated person of an affiliated person within the provisions of the Investment Company Act of 1940, of Phoenix Securities Corporation, a registered investment company, for an order pursuant to section 17 (b) of the Act exempting from the provisions of section 17 (a) (2) of the Act, a proposed purchase by David G. Baird from Phoenix Securities Corporation of all the latter's interest in, and holdings of, shares of preferred stock and common stock of Associated Transport, Inc.,

It is ordered, That a hearing on the aforesaid application be held on November 23, 1942, at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the

hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-11932; Filed, November 14, 1942; 12:14 p. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC COMPANY ET. AL.

ORDER REVOKING PREVIOUS ORDER AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of November 1942.

In the matter of Associated Electric Company, Metropolitan Edison Company and Staten Island Edison Corporation.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, having filed declarations pursuant to sections 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-45 promulgated thereunder, in regard to the following transactions: Associated Electric Company proposes to acquire (a) $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest (the consideration being determined upon the basis of 43% of principal amount), and (b) $3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest (the consideration also being determined upon the basis of 43% of principal amount); and Staten Island Edison Corporation proposes to advance the sum of $1,050,000 to its subsidiary, Richmond Light and Railroad Company, to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952; and

Such declarations having been filed on October 10, 1942, and a notice and amended notices of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission having, on November 10, 1942, issued an order permitting the declarations to become effective in regard to and limited to the acquisition by Associated Electric Company of $2,222,000 principal amount of its 4½% Bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest, and to the advance by Staten Island Edison Corporation of the sum of $1,050,000 to Richmond Light and Railroad Company and having reserved jurisdiction therein in regard to the proposed sale by Metropolitan Edison Company of Associated Electric Company bonds; and

It appearing that the Public Service Commission of the State of New York had requested a hearing with respect to said declarations within the period specified in the amended notices and that the declarants have agreed that the record be reopened; and

It appearing to the Commission that the order, dated November 10, 1942, should be revoked and that a hearing should be held upon all said declarations;

It is ordered, That the order of the Commission, dated November 10, 1942, be, and hereby is, revoked and rescinded.

It is further ordered, That the record in the matter be reopened and that a hearing be held under the applicable provisions of the Public Utility Holding Company Act of 1935 and rules of the Commission thereunder, on December 2, 1942, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room designated on said day by the hearing room clerk in room 318.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the generality of the foregoing and without limiting the scope of the proceedings as specified herein, particular attention will be directed at said hearing to the following matters and questions:

1. Whether terms and conditions are necessary to be imposed in the public interest and in the interest of the investors and consumers to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder;

2. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules and regulations or orders promulgated thereunder.

Notice is hereby given of said hearing to the above-named declarants, and to all interested persons; said notice to be given to said declarants by registered mail, and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission on or before November 27, 1942, an appropriate request or application to be heard as provided by Rule XVII of the Commission's Rules of Practice.

By the Commisison.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-11966; Filed, November 16, 1942; 10:42 a. m.]

[File No. 7-679]

BOSTON STOCK EXCHANGE

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of November, A. D., 1942.

In the matter of application of the Boston Stock Exchange to extend unlisted trading privileges to Erie Railroad Company Certificates of Beneficial Interest in the common stock, no par value.

Order setting hearing on application to extend unlisted trading privileges.

The Boston Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, December 15, 1942, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-11967; Filed, November 16, 1942; 10:42 a. m.]